

Karen Lynn-Dyson/EAC/GOV  
05/09/2006 03:58 PM

To Karen Lynn-Dyson/EAC/GOV@EAC  
cc Aletha Barrington/CONTRACTOR/EAC/GOV@EAC,  
le [REDACTED]  
bcc [REDACTED]  
Subject Re: Materials for Thursday's 11:30 conference call

Greetings-

Please note that Thursday's call is at 11:30 EDT.

Thanks

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV

05/09/2006 09:54 AM

To [REDACTED]  
cc Aletha Barrington/CONTRACTOR/EAC/GOV@EAC  
Subject Materials for Thursday's 11:30 conference call

All-

Attached please find the complete packet of materials that will serve as the basis for our conference call on Thursday. You have already received the statistical analysis; the voter ID report was submitted this morning.

The Eagleton staff have noted that you may find the material contained in Appendix A useful to your review; the other appendices are likely to be less germane .

The call in information for Thursday:

[REDACTED]

Thank you again for your assistance.

Regards-



Eagleton Voter ID report-final.doc VoterIDAnalysis VercRev0504.doc Karen Lynn-Dyson

Research Manager

013888

U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

013287

Karen Lynn-Dyson/EAC/GOV  
05/10/2006 04:44 PM

To "Tom O'Neill" <tom\_oneill@verizon.net>@GSAEXTERNAL,  
Adam Ambrogi/EAC/GOV@EAC  
cc [REDACTED]  
bcc Thomas R. Wilkey/EAC/GOV@EAC  
Subject RE: Travel arrangements for the EAC Board of Advisors and  
Standards Board meeting

Tom-

It is my understanding that Adam Ambrogi has been in touch with Ned Foley and, in turn, Dan Tokaji to indicate that you and Dan will present the information on the Voter ID project, while you and Ned will present the information on the Provisional Voting project.

Adam Ambrogi can also clarify your presentations. As I understand it, you will present your Voter ID and Provisional Voting projects to the Standards Board. You will then present your Voter ID and Provisional Voting Projects to the Board of Advisors.

I believe Adventure Travel handles hotel and travel arrangements.

I do not believe accommodations have been made for other members of the project team to attend. I will ask Adam Ambrogi, who is the principal point of contact on these meetings, to clarify this.

Regards-

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

"Tom O'Neill" [REDACTED]



"Tom O'Neill" [REDACTED]

05/10/2006 10:12 AM

To klynndyson@eac.gov  
cc john.weingart@rutgers.edu, tokaji.1@osu.edu,  
foley.33@osu.edu, "Tim Vercellotti"  
[REDACTED]  
Subject RE: Travel arrangement for the EAC Board of Advisors and  
Standards Board meeting

Karen,

As we discussed last week, the Eagleton-Moritz team making the presentations at the advisory board meetings will include others in addition to Ned and me. While Ned and I will handle the briefing on the provisional voting report, the team for the briefing on the Voter ID report will include Dan Tokaji and Tim Vercellotti.

Just to understand what Adventure Travel is to provide: will its services include hotel

013888

reservations and travel, or does it have a more limited mission?

Thanks,

Tom O'Neill

-----Original Message-----

**From:** klynndyson@eac.gov [mailto:klynndyson@eac.gov]

**Sent:** Tuesday, May 09, 2006 4:34 PM

**To:** klynndyson@eac.gov

**Cc:** [REDACTED], Tom O'Neill

**Subject:** Re:Travel arrangement for the EAC Board of Advisors and Standards Board meeting

Tom O' Neill and Ned Foley-

As you know you are scheduled to make two presentations to the EAC Board of Advisors and Standards Board on Tuesday May 23, 2006 from 2:30-4:00 PM (on Provisional Voting) and on Wednesday ,May 24th from 1:40-2:45 PM ( on Voter Identification)

If you have not already done so, please make your hotel and travel arrangements through Adventure Travel, Judy Mays [REDACTED]

These reservations should be made no later than tomorrow COB.


Please indicate to Judy Mays that you are a contractor, who is scheduled to make a presentation at the meeting.

Thanks

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

013889

Karen Lynn-Dyson/EAC/GOV  
05/11/2006 01:22 PM

To leighley@email.arizona.edu@GSAEXTERNAL  
cc  
bcc Thomas R. Wilkey/EAC/GOV@EAC  
Subject Re: Many thanks for your active participation 

Dr. Leighley-

On behalf of the EAC our sincere thanks for your willingness to review the Eagleton paper on Voter Identification. Your insights and critique were extremely helpful and provided our agency with just the type of input which was needed.


I'm please to know of your work and hope that I may be able to call upon your expertise at some point in the near future.

Regards-

Karen  
Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

013890

Karen Lynn-Dyson/EAC/GOV  
05/11/2006 01:26 PM

To jonathan.nagler@nyu.edu@GSAEXTERNAL  
cc  
bcc Thomas R. Wilkey/EAC/GOV@EAC  
Subject Re: Fw: Many thanks for your active participation 

Dr. Nagler-

On behalf of the EAC, our sincere thanks for your willingness to review the Eagleton paper on Voter Identification. Your insights and critique were extremely helpful and provided our agency with just the type of input which was needed.

I'm pleased to know of your work and hope that I may be able to call upon your expertise at some point in the near future.

Regards-

Karen

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

013891

Karen Lynn-Dyson/EAC/GOV  
05/11/2006 01:30 PM

To "Adam Berinsky" <berinsky@MIT.EDU>@GSAEXTERNAL  
cc  
bcc Thomas R. Wilkey/EAC/GOV@EAC  
Subject Re: Many thanks for your active participation

Dr. Berinsky-

On behalf of the EAC, our sincere thanks for your willingness to review the Eagleton paper on Voter Identification. Your insights and critique were extremely helpful and provided our agency with just the type of input which was needed.

I'm pleased to know of your work and hope that I may be able to call upon your expertise at some point in the near future.

Regards-

Karen

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

013892

Karen Lynn-Dyson/EAC/GOV  
05/11/2006 03:51 PM

To "Jonathan Nagler" <jonathan.nagler@nyu.edu>  
cc  
bcc Donetta L. Davidson/EAC/GOV@EAC  
Subject Re: Fw: Many thanks for your active participation

Jonathan-

Indeed, this is something several of the EAC staff noted.

As the EAC moves forward, I think that including a longitudinal component to our studies, to the extent possible, is a must.

Regards-

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

"Jonathan Nagler" <jonathan.nagler@nyu.edu>



"Jonathan Nagler"  
<jonathan.nagler@nyu.edu>  
05/11/2006 03:48 PM

Please respond to  
"Jonathan Nagler"  
<jonathan.nagler@nyu.edu>

To klynndyson@eac.gov  
cc "Jonathan Nagler" <jonathan.nagler@nyu.edu>  
Subject Re: Fw: Many thanks for your active participation

Karen,

hi. My own take on this is that we would get a much better idea of the impact of reforms if we had a database of how those reforms changed over time. Looking across states is always going to be problematic.

-jonathan

On Thu, 11 May 2006 klynndyson@eac.gov wrote:

>  
> Dr. Nagler-  
>  
> On behalf of the EAC, our sincere thanks for your willingness to review the  
> Eagleton paper on Voter Identification. Your insights and critique were  
> extremely helpful and provided our agency with just the type of input which  
> was needed.  
>  
> I'm pleased to know of your work and hope that I may be able to call upon  
> your expertise at some point in the near future.  
>

013893



> Regards-  
>  
> Karen  
>  
> Karen Lynn-Dyson  
> Research Manager  
> U.S. Election Assistance Commission  
> 1225 New York Avenue , NW Suite 1100  
> Washington, DC 20005  
> tel:202-566-3123  
>  
>  
>

#####  
Jonathan Nagler  
jonathan.nagler@nyu.edu  
Director of Graduate Studies  
Department of Politics  
212 992-9676  
726 Broadway - 7th floor  
995 4184  
New York University  
<http://homepages.nyu.edu/~jn23/>  
New York, NY 10003  
#####

Voice (o):

Fax: 212

013894

Karen Lynn-Dyson/EAC/GOV  
06/28/2006 10:53 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc  
Subject Fw: Notification to Bidders

Electionline.org unsuccessful bidder de-brief.

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:51 AM -----



"Doug Chapin"  
<dchapin@electionline.org>  
06/06/2005 07:56 AM

To nmortellito@eac.gov  
cc cpaquette@eac.gov, klynndyson@eac.gov  
Subject RE: Notification to Bidders

Let's do the afternoon of June 16th. I'll pencil it in for 2pm but feel free to adjust to your schedule(s).

Thanks.

Doug Chapin

---

**From:** nmortellito@eac.gov [mailto:nmortellito@eac.gov]  
**Sent:** Friday, June 03, 2005 4:52 PM  
**To:** Doug Chapin  
**Cc:** cpaquette@eac.gov; klynndyson@eac.gov  
**Subject:** RE: Notification to Bidders

Mr Chapin:

Carol has time to do a debrief with you on the afternoon of the 15th, the afternoon of the 16th or any time on the 17th of June. Please advise as to your availability.

Regards,

Nicole K. Mortellito  
Assistant to the Interim Executive Director  
U.S. Election Assistance Commission  
1225 New York Avenue - Suite 1100  
Washington, DC  
202.566.3114 phone

013895

202.566.3127 fax

"Doug Chapin" <dchapin@electionline.org>

06/03/2005 02:21 PM

To cpaquette@eac.gov  
cc nmortellito@eac.gov  
Subject RE: Notification to Bidders

I would like a debrief on this procurement.

Doug Chapin  
Director, electionline.org

**From:** nmortellito@eac.gov [mailto:nmortellito@eac.gov]  
**Sent:** Friday, June 03, 2005 2:12 PM  
**To:** Doug Chapin  
**Subject:** Notification to Bidders

Notification to bidders

You are hereby advised that the U.S. Election Assistance Commission (EAC) has competitively awarded a contract to the Eagleton Institute of Politics at Rutgers, The State University of New Jersey for research assistance to support the development of guidance on the two topics of provisional voting and voter identification procedures. Eagleton is partnering with the Moritz College of Law of Ohio State University for this work effort. The amount of this award is \$560,002.

EAC appreciates the interest you have expressed in supporting our research agenda by submitting a proposal for this work. Should you wish to receive a de-brief on this procurement, please contact Carol A. Paquette, Interim Executive Director, by email at [cpaquette@eac.gov](mailto:cpaquette@eac.gov).

Regards,

Nicole K. Mortellito  
Assistant to the Interim Executive Director  
U.S. Election Assistance Commission  
1225 New York Avenue - Suite 1100  
Washington, DC

013898

202.566.3114 phone  
202.566.3127 fax

013897

Subject Fw: Voter ID Paper --Final Draft

To Karen Lynn-Dyson/EAC/GOV@EAC  
cc  
Subject Re: Voter ID Paper --Final Draft

013896

I anticipate that it will last approximately 90 minutes.

Regards-

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

013899

Karen Lynn-Dyson/EAC/GOV  
06/28/2006 10:42 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc  
Subject Fw: No-Cost Extension Request

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:40 AM -----



"John Weingart"

[REDACTED]

04/21/2006 09:52 AM

Please respond to  
john.weingart@rutgers.edu

To klynndyson@eac.gov

cc "Tom O'Neill" [REDACTED]

Subject No-Cost Extension Request

Karen - We are requesting a no-cost extension on the EAC contract to the Eagleton Institute of Politics at Rutgers University to have the contract's concluding date move from March 31, 2006 to June 30, 2006. As I indicated earlier, it would be very helpful if we could receive approval of this request no later than April 28th.

This extension is necessary to enable the following activities:

1. The EAC has informed us that it will assemble a panel of researchers the week of May 8th to review the Eagleton/Moritz draft background report on Voter Identification. The EAC wishes to supplement the review of this draft already conducted by the Peer Review Group called for in the contract. The Eagleton/Moritz research team, as well as at least some of the Peer Review Group will participate in the conference call or meeting of the EAC's reviewers;
2. Eagleton/Moritz will revise the draft Voter Identification report based upon comments made by the two sets of reviewers, and distribute the revised report to the EAC and its Advisory Board in mid-May.
3. Eagleton/Moritz will present its draft reports on Provisional Voting and Voter Identification to the EAC Advisory Board at its May 25th meeting in Washington, D.C.;
4. Eagleton/Moritz will revise both draft reports to take into account comments made by the EAC Advisory Board, and submit printed final reports to the EAC before June 23rd. Eagleton/Moritz will also prepare a PowerPoint presentation for both reports.
5. Eagleton/Moritz will present both reports at the EAC public meeting in Washington, D.C. on June 23rd, thus concluding its work under this contract.

013990

Please let me know if you need any additional information.

Thanks,

John

--

-- John Weingart, Associate Director  
Eagleton Institute of Politics  
(732) 932-9384, x.290

013901



Karen Lynn-Dyson/EAC/GOV  
06/28/2006 10:41 AM


To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc  
Subject Fw: Extension Timeline

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:40 AM -----

Tamar Nedzar/EAC/GOV

04/19/2006 12:23 PM

To Karen Lynn-Dyson/EAC/GOV@EAC  
cc  
Subject Re: Fw: Extension Timeline 

K (Lynn-Dyson)-

I saw this before. It's helpful for me to know the proposed end-date, but what we need to get Tom's signature--for this project and Cleveland State--is a memorandum to the file explaining why we are granting the extension and modification, respectively.

From what I understand, in addition to other things, we need the memo in the file to explain our thought process if anything is ever challenged. I think that Eagleton wrote the memo for you last time, but if not, I know you gave it to me...

Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>  
[TNedzar@eac.gov](mailto:TNedzar@eac.gov)  
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV

04/19/2006 12:06 PM

To Tamar Nedzar/EAC/GOV@EAC  
cc  
Subject Fw: Extension Timeline

T (Nedzar)-

Is this at all useful or not?

013902

K  
Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 04/19/2006 12:01 PM -----



"John Weingart"

[REDACTED]

To "Karen Lynn-Dyson" <klynndyson@eac.gov>

04/13/2006 03:18 PM

cc

Please respond to

[REDACTED]

Subject Extension Timeline



ExtensionTimeLine.doc

Karen - Tom and I are about to call. Attached is our proposed revised timeline.

--  
-- John Weingart, Associate Director  
Eagleton Institute of Politics  
(732) 932-9384, x.290

013903

Karen Lynn-Dyson/EAC/GOV  
06/28/2006 10:35 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc  
Subject Fw: No Cost Extensions (with extensions)

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:33 AM -----



"John Weingart"

[Redacted email address]

01/13/2006 01:22 PM

Please respond to  
john.weingart@rutgers.edu

To "Karen Lynn-Dyson" <klynndyson@eac.gov>

cc "Lucy Baruch" [Redacted]

Subject No Cost Extensions (with extensions)



Attachment 1-EAC Eagleton Institute budget for no-cost extension-1.xls Attachment 2-EAC Eagleton Institute Budget 3-22-05-1.xls  
Karen - I am attaching a spreadsheet providing the information you have requested (Attachment 1), but I want to highlight a few points which may not be immediately self-evident.

First, the original budget (Attachment 2) we submitted to the EAC, dated March 22<sup>nd</sup>, did not itemize personnel expenses by each person. In addition, when we actually began work two months after submitting that budget, we decided to reallocate more time to people within Eagleton and hire fewer outside hourlies.

Second, in the figures I sent you in late December we tried to account for all the expenses and projections but overlooked a few things including neglecting to include the honoraria for our peer review team. Hence, the figures we're now sending are different than what I sent in December.

Lastly, we originally discussed a no-cost extension through February, but since we don't yet have the EAC comments on our draft Provisional Voting material nor an estimate of when they are likely to be ready, I think it is prudent to extend the no-cost extension through March 31st. We would still like to conclude by the end of February, but if you can approve the extension for another month we could avoid going through this process again if everything is not complete six weeks from now.

It is my understanding that Rutgers will soon be sending our December invoice. At this time, I would also like to request that we combine January and February an invoice the EAC once for that time period.

As you can see, we are currently projecting an ending balance of approximately \$10,000. If additional expenses are incurred beyond what is currently projected, we're confident they will not exceed the

013904

original budget of \$560,002.

Thanks and I look forward to hearing from you.

--

-- John Weingart, Associate Director  
Eagleton Institute of Politics  
(732) 932-9384, x.290

013905

Karen Lynn-Dyson/EAC/GOV  
06/28/2006 10:33 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc  
Subject Fw: No Cost Extension Request

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:32 AM -----



"John Weingart"

<johnweingart@eac.gov>

12/22/2005 05:26 PM

Please respond to

johnweingart@eac.gov

To klynndyson@eac.gov

cc "Tom O'Neill"

Subject Re: No Cost Extension Request

Karen - Our request for a no-cost, reallocation of resources is based on (a) the fact that our personnel costs have already been higher than we anticipated and (b) the reality that keeping the project operating for at least nine months, instead of seven as planned, will require the participants to devote more time than anticipated. While we are not producing more product than originally promised, the time involved in our work continues to increase. Both Provisional Voting and Voter ID have proved to be very dynamic topics requiring us to continually monitor developments and update our data, analysis and evolving work products as we learn of new or revised information. As a result, despite the extension of the schedule, the staff and consultants on this project have had no "down" time. We anticipate this research, monitoring and revising to continue for the months added to the project, necessitating significantly more hours by all members of the project team than anticipated.

Our request asks for changes to three line items which I will address below on the assumption that the EAC response to our already-submitted Provisional Voting draft and to-be-submitted Voter ID draft will be sufficiently timely to enable us to complete our work on both topics by the end of February.

1. Eagleton Institute of Politics personnel: We originally budgeted \$110,695 (\$15,813 average per month) for Eagleton faculty, staff and graduate student assistants for the seven-month project from May 24, 2005-December 31, 2005. Our actual costs have been approximately \$14,500 more than that. In addition, we are anticipating needing another \$21,000 for personnel costs in January and February, calculated on the basis of 2/3 of the original monthly estimate. Therefore, we are asking to raise this line item from \$110,695 to approximately \$146,000.

2. Consultant Services: We originally budgeted \$79,50 (\$11,357 average per month) for consultant services which we have used to engage Tom O'Neill as the project manager. We anticipate no additional cost for the

013906

original contract period of May 24, 2005-December 31, 2005, but do anticipate needing his services during January and February at a slightly reduced rate of \$10,125 per month or \$20,250 total additional. Therefore, we are asking to raise this line item from \$79,500 to \$99,750.

3. Moritz School of Law: We originally budgeted \$84,744 (\$12,106 average per month) for staff and overhead for the May 24, 2005-December 31, 2005 period. We anticipate needing an additional \$23,171 (\$11,585 average per month) to support their time on this project in January and February. Therefore, we are asking to raise this line item from \$84,744 to \$107,915.

With these revisions, approximately \$22,000 of the EAC contract award to Eagleton would remain not yet allocated, primarily because the cost for the public hearings would have incurred Rutgers University overhead whereas the additional expenditures for consultants and the subcontract with Moritz do not.

I hope this provides you the information you need. While Rutgers is shutting down until January 3rd, I will be checking email at least every day or two.

-- John Weingart, Associate Director  
Eagleton Institute of Politics  
(732)932-9384, x.290

klynndyson@eac.gov wrote:

>  
> John-  
>  
> I just had a more detailed conversation with our Deputy General  
> Counsel about Eagleton's no-cost extension.  
>  
> He indicates that we need a bit more information that will accompany  
> the material we will send to the Commissioners for a vote (hopefully  
> next week)  
>  
> We need to know the number of labor hours, the labor costs and a brief  
> description of the tasks to be performed by each of the staff who will  
> be working on the EAC contract until its completion.  
>  
> Since we have eliminated the public hearing ( a major contract  
> deliverable) it is unclear why staff labor hours and costs will  
> continue at the same level and rate.  
>  
> As always, thanks for your patience and prompt response.  
>  
>  
>  
> Karen Lynn-Dyson  
> Research Manager  
> U.S. Election Assistance Commission  
> 1225 New York Avenue , NW Suite 1100  
> Washington, DC 20005  
> tel:202-566-3123

013907

Karen Lynn-Dyson/EAC/GOV  
06/28/2006 10:32 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc  
Subject Fw: No Cost Extension Request

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:31 AM -----



"John Weingart"

<john.weingart@eagleton.edu>

12/22/2005 05:26 PM

Please respond to

joh...@eagleton.edu

To klynndyson@eac.gov

cc "Tom O'Neill" <...>

Subject Re: No Cost Extension Request

Karen - Our request for a no-cost, reallocation of resources is based on (a) the fact that our personnel costs have already been higher than we anticipated and (b) the reality that keeping the project operating for at least nine months, instead of seven as planned, will require the participants to devote more time than anticipated. While we are not producing more product than originally promised, the time involved in our work continues to increase. Both Provisional Voting and Voter ID have proved to be very dynamic topics requiring us to continually monitor developments and update our data, analysis and evolving work products as we learn of new or revised information. As a result, despite the extension of the schedule, the staff and consultants on this project have had no "down" time. We anticipate this research, monitoring and revising to continue for the months added to the project, necessitating significantly more hours by all members of the project team than anticipated.

Our request asks for changes to three line items which I will address below on the assumption that the EAC response to our already-submitted Provisional Voting draft and to-be-submitted Voter ID draft will be sufficiently timely to enable us to complete our work on both topics by the end of February.

1. Eagleton Institute of Politics personnel: We originally budgeted \$110,695 (\$15,813 average per month) for Eagleton faculty, staff and graduate student assistants for the seven-month project from May 24, 2005-December 31, 2005. Our actual costs have been approximately \$14,500 more than that. In addition, we are anticipating needing another \$21,000 for personnel costs in January and February, calculated on the basis of 2/3 of the original monthly estimate. Therefore, we are asking to raise this line item from \$110,695 to approximately \$146,000.

2. Consultant Services: We originally budgeted \$79,50 (\$11,357 average per month) for consultant services which we have used to engage Tom O'Neill as the project manager. We anticipate no additional cost for the

013908

original contract period of May 24, 2005-December 31, 2005, but do anticipate needing his services during January and February at a slightly reduced rate of \$10,125 per month or \$20,250 total additional. Therefore, we are asking to raise this line item from \$79,500 to \$99,750.

3. Moritz School of Law: We originally budgeted \$84,744 (\$12,106 average per month) for staff and overhead for the May 24, 2005-December 31, 2005 period. We anticipate needing an additional \$23,171 (\$11,585 average per month) to support their time on this project in January and February. Therefore, we are asking to raise this line item from \$84,744 to \$107,915.

With these revisions, approximately \$22,000 of the EAC contract award to Eagleton would remain not yet allocated, primarily because the cost for the public hearings would have incurred Rutgers University overhead whereas the additional expenditures for consultants and the subcontract with Moritz do not.

I hope this provides you the information you need. While Rutgers is shutting down until January 3rd, I will be checking email at least every day or two.

-- John Weingart, Associate Director  
Eagleton Institute of Politics  
(732) 932-9384, x.290

klynndyson@eac.gov wrote:

>  
> John-  
>  
> I just had a more detailed conversation with our Deputy General  
> Counsel about Eagleton's no-cost extension.  
>  
> He indicates that we need a bit more information that will accompany  
> the material we will send to the Commissioners for a vote (hopefully  
> next week)  
>  
> We need to know the number of labor hours, the labor costs and a brief  
> description of the tasks to be performed by each of the staff who will  
> be working on the EAC contract until its completion.  
>  
> Since we have eliminated the public hearing ( a major contract  
> deliverable) it is unclear why staff labor hours and costs will  
> continue at the same level and rate.  
>  
> As always, thanks for your patience and prompt response.  
>  
>  
>  
>  
> Karen Lynn-Dyson  
> Research Manager  
> U.S. Election Assistance Commission  
> 1225 New York Avenue , NW Suite 1100  
> Washington, DC 20005  
> tel:202-566-3123

013909



Karen Lynn-Dyson/EAC/GOV  
06/28/2006 10:32 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc  
Subject Fw: Request for No-Cost Extension-corrected

This e-mail should be a part of the no -cost extension file and/or the financial file you create for the Eagleton contract.

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:29 AM -----



"John Weingart"

[REDACTED]

To klynndyson@eac.gov

12/16/2005 01:25 PM

cc

Please respond to

[REDACTED]

Subject Re: Request for No-Cost Extension-corrected

Karen - At this time, we anticipate reallocating funds primarily from the public hearings line item and spending approximately \$35,500 more than originally budgeted on personnel, \$23,250 more on the subcontract with Ohio State and \$20,250 more on consultants. There are other additional variances but they are not significant (e.g. less on honoraria, less on travel, and more on general operations such as phone expenses). Let me know if you need additional detail or information.

Thanks, John

-- John Weingart, Associate Director  
Eagleton Institute of Politics  
(732) 932-9384, x.290

klynndyson@eac.gov wrote:

>  
> John-  
>  
>  
> Quick question-  
>  
> How much money do you anticipate will be re-allocated from the  
> original line items outlined in the contract to other project costs?  
>

013910

> Thanks

>

> Karen Lynn-Dyson

> Research Manager

> U.S. Election Assistance Commission

> 1225 New York Avenue , NW Suite 1100

> Washington, DC 20005

> tel:202-566-3123

>

>

>

> \*"John Weingart" <[REDACTED]>

>

> 11/30/2005 05:05 PM

> Please respond to

> [REDACTED]

>

>

>

> To

> "Karen Lynn-Dyson" <klynndyson@eac.gov>

> cc

> "Tom O'Neill" <[REDACTED]>

> Subject

> Request for No-Cost Extension-corrected

>

>

>

>

>

>

>

>

>

> Karen - There were two typos on the copy I just sent. Please use the  
> attached instead. To minimize confusion, I dated this document December  
> 1st (the first one says November 30). Thanks, John

>

> --

> -- John Weingart, Associate Director

> Eagleton Institute of Politics

> (732)932-9384, x.290

>

>

>

013911

Karen Lynn-Dyson/EAC/GOV  
06/28/2006 10:30 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc  
Subject Fw: No Cost Paperwork

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:28 AM -----



Tamar Nedzar/EAC/GOV  
12/12/2005 06:08 PM

To Gavin S. Gilmour/EAC/GOV@EAC  
cc Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC, Karen  
Lynn-Dyson/EAC/GOV@EAC  
Subject No Cost Paperwork

Hi Gavin,

This is the document I prepared for the no-cost extension.

Thank you,  
Tamar Nedzar  
Law Clerk  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
(202) 566-2377  
<http://www.eac.gov>



[TNedzar@eac.gov](mailto:TNedzar@eac.gov) sf30.pdf

013912

Karen Lynn-Dyson/EAC/GOV  
06/28/2006 10:24 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc  
Subject Fw: Meeting with EAC and Ballot Design

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:22 AM -----



"Tom O'Neill"

~~Tom O'Neill~~  
07/19/2005 06:07 PM

To klynndyson@eac.gov  
cc  
Subject Meeting with EAC and Ballot Design

Karen, This email addresses two topics.

### **1. Meeting with EAC**

At the end of August, we will have a draft of the Analysis and Alternatives paper for provisional voting, and we will have developed an outline of the alternatives to be described in the Preliminary Guidance Document (PGD). Before beginning to draft the PGD, we would benefit from a discussion with EAC staff and, perhaps, the commissioners. We would like to explore, through you, the scheduling of a meeting for that purpose, and suggest the date of August 26 at your offices in Washington. Several of us would attend and others might participate by teleconference.

### **2. Design of Provisional Ballots**

In our teleconference a week ago, Tom Wilkey asked if we were collecting actual provisional ballots from around the country to assess their design. A collection of provisional ballots is not a deliverable under our contract, but at your request we have estimated what such an effort might require.

013913

The goal would be to collect ballots, examine them to determine how well they conform to any ballot design criteria established in state legislation or regulations and possibly evaluate them against objective design standards of clarity and ease of use.

If state regulations or legislation specify the detailed design of provisional ballots, collecting a sample ballot and envelope from each state would be feasible. If states have delegated the details of design to county or other levels of government, the collection process would probably not be worth the substantial time and expense involved in contacting more than 3,000 jurisdictions.

### Step One -- Feasibility

A prudent approach to this work would begin with a feasibility study. It would determine how many states use a uniform provisional ballot throughout the state and how many allow significant variation in design among counties or other jurisdictions. Working with the statutes and regulations now being collected by Moritz, we would also determine if state statutes or regulations specify the details of the design of provisional ballots. This work would provide the information needed to decide if the project is doable at reasonable cost. The feasibility study would probably require 5 to 10 days of research time. On a time-and-materials basis, including overhead charges, the cost of the feasibility analysis would be in the range of \$2,500 -- \$5,000.

### Step Two -- Collection and Analysis

If EAC determines on the basis of our feasibility report that the project is feasible, collecting the provisional ballots and envelopes would require 3 – 4 weeks of research, collection and analysis at a cost of \$6,000 -- \$9,000 (with overhead). The research process would include:

- Determining the appropriate official in each state to contact,
- Sending each official a letter requesting a provisional ballot and envelope as used in federal elections,
- Making up to 3 follow-up calls.
- Compiling and categorizing the ballots
- Comparing the actual ballots to any specifications contained in state statutes or regulations.

The deliverables would be:

- The collection of ballots,
- A compendium of statutory or regulatory specifications of ballot design,
- Classification of ballots according to the major design principles reflected in their layout and appearance.

### Possible Step 3 – Evaluation of Provisional Ballot Design

The EAC might also wish to consider a logical, third step. Once the ballots are collected, Eagleton could arrange to evaluate provisional ballots for clarity and user-friendliness. The review could be done by one or more focus groups that Eagleton would empanel, or it could be conducted by a design firm that would review the ballots and make recommendations for principles of good design that could be issued as guidance to the states. We have not identified an individual designer or firm with credentials in this field, but could do so as part of the feasibility study. Eagleton could do the focus group in-house at relatively modest cost.

Please let me know if you would like us to go further with this assignment.

Tom O'Neill

013815

Karen Lynn-Dyson/EAC/GOV  
06/28/2006 10:23 AM

To Darrell D. Lee/CONTRACTOR/EAC/GOV  
cc  
bcc  
Subject Fw: Peer Review Group

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 06/28/2006 10:21 AM -----

Carol A. Paquette/EAC/GOV  
07/08/2005 05:13 PM

To Juliet E. Thompson/EAC/GOV@EAC  
cc Karen Lynn-Dyson/EAC/GOV@EAC  
Subject Fw: Peer Review Group

Julie -

I don't remember saying much of anything but a few pleasantries to Tom in New York. Did you talk to him about this topic? I'm really at a loss on this. (Maybe I'm having an extended senior moment.)

Carol A. Paquette  
U.S. Election Assistance Commission  
(202)566-3125 cpaquette@eac.gov

----- Forwarded by Carol A. Paquette/EAC/GOV on 07/08/2005 05:07 PM -----



"Tom O'Neill"

07/08/2005 03:41 PM

To "Paquette, Carol" <cpaquette@eac.gov>  
"Laura Williams" <lauracw@columbus.rr.com>, "Weingart,  
cc [REDACTED]  
"Lynn-Dyson, Karren"  
<klynndyson@eac.gov>, [REDACTED]  
Subject Peer Review Group

Carol,

After our discussion in New York, you asked me to put in writing our response to the EAC's suggestions for expanding the number and kinds of groups that would review and comment on our work. I hope after your review of this response, we will be able to quickly recruit a balanced Peer Review Group (PRG) and move ahead as the schedule in our work plan indicates. Attached is a revised list of the members we propose for appointment to the PRG. We will probably not be able to persuade all of them to serve, but the number and range of views included on the proposed list should ensure that the resulting group is well-balanced.

013916

Tom

## RESPONSE TO EAC RECOMMENDATIONS FOR ADDITIONAL REVIEW GROUPS

### EAC's Recommendations for the PRG

Karen Lynn-Dyson reported this response from the EAC commissioners to our proposal for the composition of the PRG.

1. Not sufficient conservative representation on the PRG
2. Create a "tiered process" of review in which:
  - A. The PRG will prepare a dispassionate analysis of the issues and draw some tentative conclusions.
  - B. PRG's analysis would be vetted by a defined/select group of local election officials.
  - C. A defined/select group of advocacy organizations would review the comments of the local election officials
  - D. Empanel a final focus group of local election officials, advocates and academics for an overall, interactive reaction to the analysis and recommendations.

### Project Team Response

Creating three new committees to the review process to supplement the work of the Peer Review Group (PRG) is possible, but would add at least 8 weeks --and possibly 12 weeks-- to our completion of the guidance document on provisional voting. We believe this delay would risk limiting the value of this project for the 2006 election. In addition, the change would add at least \$30,000 to the cost of our work. (See the attached table showing the possible effect on our work plan, and note the optimistic assumptions such as the ability to hold a hearing the week after Christmas.). If the same groups were to be engaged in reviewing our work on Voter ID, the time for that work would also have to be stretched at a similar increased cost.

This additional cost and the added time might be worthwhile. . . if the new layers of review were to produce a consensus on how to strengthen the research, sharpen the analysis, and increase the relevance of the Guidance Document. Our team concluded, however, that additional review groups were unlikely to achieve these results.

### PRG focuses on quality of research

We believe that our research would be strengthened by a balanced Peer Review Group that will focus on the design of the research and our conduct of it. Based on the EAC's recommendation, we have revised the composition of the PRG to include additional, well-recognized authorities in the field whose perspective is generally agreed to be conservative.

The PRG will focus on the strength of the research design and the quality of our analysis, not on the politics of our recommendations for the guidance document. The PRG will critique the research design and suggest how to strengthen it. Members of the group will review the quality of our analysis so that we can fill holes and correct errors before we make policy recommendations to the EAC. The PRG may or may not meet as a group. The likelihood is that most comments will come in writing from individual members, most of whose schedules would not permit attendance at meetings. In any case, the PRG members will not gather around a table to come to consensus on the study's recommendations.

013917



While using the PRG as a forum to reach consensus on the knotty issues involved does not appear practical, the EAC can benefit from the work of other groups in this regard. It is not necessary for this project to duplicate the deliberative processes of the Carter-Baker Commission, the Century Foundation and the Election Center. The EAC itself as well as the project team can get the benefit of these reports without duplicating this "policy evaluation board" structure as part of this contract.

#### Project Team focuses on analysis and recommendations

Karen reported that the Commissioners believed that the PRG would "prepare a dispassionate analysis of the issues and draw some tentative conclusions." As we see it, the PRG will neither analyze data nor draw conclusions, tentative or otherwise. Its members will review and comment on how the Project Team has designed and carried out the research. Analysis, conclusions and recommendations are the responsibility of the Project Team. We have all seen in the preface to books or articles a sentence or two that read something like this, "The author thanks Mr. X, Ms. Y, and Dr. Z for their review and comment on the manuscript. Their analysis has strengthened the work, but they are in no way responsible for errors or for my conclusions." That is the way we think about the Peer Review Group.

In short, the PRG will help ensure that EAC's Guidance Document is founded on a solid base of data and analysis. The review and comment on the Preliminary Guidance Document by the EAC's Board of Advisors and Standards Board will provide participation by important stakeholder groups without the need for the other review committees. This Board is broad-based and represents a key stakeholder group. It also enjoys a significant advantage over a "defined/select" group we might empanel. Any group we define will be open to criticism or charges of bias by representatives of interest groups not represented.

The criticism and charges of bias might be tolerable, but only if we could expect consensus from the "defined/select" group we would appoint. We believe that consensus would be elusive. In empanelling a "defined/select" group, we would naturally look for balance and would appoint members to represent a point of view or an institutional interest. As representatives they would likely feel that they had little choice but to be strong advocates. They would have little incentive to compromise. Our research, as opposed to our policy recommendations, would be better served by the analysis of scholars than by the advocacy of interests.

#### Policy judgments

We regard the EAC itself as responsible for the policy judgments involved in shaping the Guidance Document. We plan, of course, to respond to the EAC's comments on our preliminary draft, so that the EAC's comments will shape the Preliminary Guidance Document before it is released for public comment. And further revision will follow the public hearing and comments. The EAC and individual Commissioners can always seek comment informally on our analysis or recommendations. That course appears to us preferable to the creation of a new, more elaborate review process.

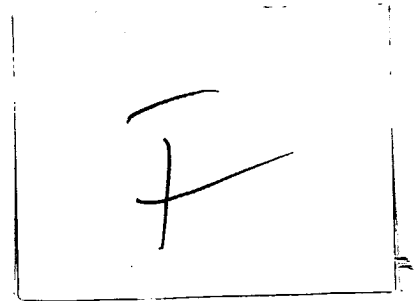


PROPOSED MEMBERS July 6.doc

013918

Jeannie Layson /EAC/GOV  
04/19/2007 05:03 PM

To ghillman@eac.gov  
cc  
bcc  
Subject info



See this link from her NPR interview: <http://www.npr.org/templates/story/story.php?storyId=9536101>

## Voting rights and wrongs

By Donna Brazile

THE WASHINGTON TIMES

Published April 16, 2007

Just when civil rights advocates were celebrating recent advances in restoring the voting rights of 5.3 million Americans prohibited from voting in several states because of their felony convictions, along comes the news that the Bush administration has been playing politics with meaningful electoral reform.

Geez, can't they focus on governing without engaging in partisan warfare?

The New York Times has reported that the Election Assistance Commission, a federal agency charged with administering federal elections, "played down the findings of experts who concluded last year that there was little voter fraud around the nation." According to the New York Times' review, the "original report on fraud cites 'evidence of some continued outright intimidation and suppression' of voters by local officials, especially in some American Indian communities, while the final report says only that voter 'intimidation is also a topic of some debate because there is little agreement concerning what constitutes actionable voter intimidation.' "

Just why would the EAC suppress or alter a report that could have helped restore citizens' confidence in our electoral system? Did someone pressure them to disown reports they commissioned? If so, we need to find the guilty parties and bring yet another shameful episode of partisanship to public attention.

As the Times notes, this issue played a "significant role" in the Bush administration's "firing of eight United States attorneys, several of whom, documents now indicate, were dismissed for being insufficiently aggressive in pursuing voter fraud cases." Perhaps disgraced Attorney General Alberto Gonzalez will have the decency to respond to these allegations next week when he testifies on Capitol Hill.

The Election Assistance Commission, according to its own mission statement, is supposed to be a clearinghouse for all "matters that affect the administration of federal elections," providing "information and guidance with respect to laws, procedures and technologies affecting the administration of federal elections." Fair enough, but why did they shove aside a report that could have provided timely guidance to members of Congress trying to address so-called voter fraud by imposing restrictive voter-ID requirements?

The EAC not only refused to accept the reasoned conclusion of its bipartisan consultants, they also refused to release those findings at a time when doing so would have discounted claims of rampant voter fraud that were the justification for the restrictive voter ID law passed last year by the Republican-controlled House of Representatives. Thank God the Senate had no appetite to

013919

take up a similar measure being pushed to address the phantom of voter fraud.

Here we approach another major electoral season and the agency in charge of helping states reform their electoral practices has lost its credibility. Loyola Law professor and election expert Richard Hansen have written that the "EAC needs to remain a credible broker and cannot be timid by what it finds." Mr. Hansen believes that if the evidence supports one side of the debate, that is "not a reason to disown a report and start over." Hmmmm, unless it's about politics and helping one side gain an electoral advantage.

Since the 2000 presidential election, states have moved to enact stringent voter ID requirements. According to election experts, as of the November 2006 election, 24 states had enacted some form of voter identification law, up from 11 in 2000.

While state and federal courts have thrown out some restrictive and punitive photo ID laws on the grounds they may lead to disenfranchising poor, elderly or minority citizens otherwise eligible to vote, the drumbeat still rages to put in place more punitive laws. The motives are simple: Suppress the turnout of eligible citizens who may not embrace the political priorities of one of the major political parties. Shameful.

No citizen should vote twice, and felons and others seeking to have their voting rights restored must remain patient while the wheels of justice turn in their favor. But, under the guise of people "stuffing ballot boxes," allowing the dead to vote or undocumented workers attempting to claim citizenship, Republican lawmakers have begun to erect new laws that could severely curtail the right of all eligible citizens to vote and have those votes counted accurately.

Perhaps it's time we all put aside partisan consideration and agree that no eligible citizen should have to pay to vote. As many civil rights advocates will tell you, proof of citizenship requirements can place an undue financial burden on voters. I know because many of my family members who had all their possessions washed away during Hurricane Katrina are still scurrying to replace passports, birth certificates and other proof of citizenship, and the expense is shocking.

We should also agree that no eligible citizen should face intimidation by partisan poll workers or be asked to produce ID at the polling place when state law only requires first-time voters and those who did not list an ID number on their registration forms to do so. It's wrong, and it's illegal.

The Justice Department and the Election Assistance Commission, you are now on notice that civil rights groups are watching your every step, your partisan reports and, yes, your role in destroying one of the most important ingredients of our democracy: the right of all citizens regardless of race, gender, disability, age or class to participate in the electoral process.

Donna Brazile is a political commentator on CNN, ABC and National Public Radio and former campaign manager for Al Gore.

Jeannie Layson  
U.S. Election Assistance Commission  
1225 New York Ave., NW  
Suite 1100  
Washington, DC 20005  
Phone: 202-566-3100  
[www.eac.gov](http://www.eac.gov)

013920

Jeannie Layson /EAC/GOV

04/19/2007 10:32 AM

To EAC Personnel

cc

bcc

Subject Today's News (04-19-07)

**National**

**Carnahan urges time , resources to deal with election laws** (Comm. Hillman quoted.)

**Lawmakers call for e -voting paper trails** (Comm. Hillman quoted.)

**Commission urges caution on election reform** (Comm. Hillman quoted.)

**Rodriguez elected EAC vice -chair**

**Rodriguez elected EAC vice -chair** (NALEO press release)

**The fraudulence of fraud** (Rep. Serrano says our report could be the next Watergate, says WH may have had a role in editing report.)

**A selective view of fraud** (Says WH edited our report. I have requested a correction.)

**Voter ID laws need measured implementation** (EAC fraud report)

**What the Senators should ask Gonzalas** (EAC fraud report mention)

**A really important homework assignment** (Action alert to notify the public about DRE dangers, including contacting me at EAC.)

**Millender-McDonald reveals few details**

**National**

**Carnahan urges time , resources to deal with election laws**

By SAM HANANEL, The Associated Press

Apr 18, 2007 8:07 PM (13 hrs ago)

**WASHINGTON** - States will need time and resources to comply with any changes that Congress might order to electronic voting systems, Missouri Secretary of State Robin Carnahan told a congressional panel on Wednesday.

"Obviously elections are run locally," Carnahan told the House Subcommittee on Information Policy, the Census, and the National Archives. "If you all take over the election process, that's a big change in our country and it will take money to do that."

The hearing examined the reliability and security of electronic voting systems that have been put into place across the country since the failure of paper ballots was exposed in the 2000 election.

Subcommittee chairman William Lacy Clay, D-Mo., said he wants Congress to require a paper trail to back up electronic voting machines and make the process of testing election software and verifying its security coding more transparent.

Clay cited results from the 2006 election that show some electronic voting systems still produced unreliable results, causing distrust among voters.

"It is absolutely vital that we utilize technology that provides an independent, auditable voting record that can be verified by election officials," Clay said.

Carnahan, a Democrat, said lawmakers need to give states a reasonable time frame to comply if Congress implements any changes, and guarantee full funding for any mandates that come down. She also urged lawmakers to gather input from state and local officials before taking action.

Carnahan described Missouri's elections as "fair, accurate and secure," and said the state's use of new optical scan and touch-screen voting systems was generally a success.

But there were some problems, such as long lines that formed when some polling places ran out of

013921

ballots. She said there is a need for more training for poll workers unfamiliar with the new technology.

Missouri is one of 27 states that already require paper records for electronic machines.

Gracia Hillman, a member of the U.S. Election Assistance Commission, told Clay that only Congress has the authority to order nationwide use of paper voting verification.

Depending on what Congress does, Hillman said, at least 180,000 machines around the country would need to be replaced or upgraded. That could be a "recipe for colossal confusion" if lawmakers try to enact such legislation with only a year-and-a-half before the 2008 election, she said.

Clay also grilled Hillman about reports that EAC officials rewrote the findings of a government-funded report on voter fraud to downplay the pervasiveness of problems with electronic systems. Clay said he has concerns the EAC is improperly politicizing its work.

Hillman said changes in the report drafted by researchers at Rutgers University were made because some conclusions were not supported by the data.

"I do not believe that the EAC could have reached agreement on the conclusions offered by those researchers without being allowed to validate those conclusions," Hillman said.

Avi Rubin, a computer science professor at Johns Hopkins University, testified that an electronic voting system without a backup paper receipt cannot be properly audited.

**Lawmakers call for e-voting paper trails**  
**By Grant Gross, IDG News Service**

April 18, 2007

U.S. lawmakers on Wednesday called for electronic voting machines to include paper trail backups, while a government auditor said better security measures for the machines are needed.

A still-contested 2006 election for the U.S. House of Representatives in Florida's 13th district is a "prominent example of how, in some instances, electronic voting systems have produced unreliable results, raising concerns among voting-system experts and causing distrust among voters," said Representative William Lacy Clay, chairman of the House Information Policy, Census, and National Archives Subcommittee.

In the Florida House election, more than 18,000 voters failed to cast ballots on e-voting machines, and the Republican candidate won by fewer than 400 votes.

Clay, from Missouri, and other Democrats called for paper trail printouts to be required as a way to audit results from touchscreen DRE (Direct Recording Electronic) machines. But Gracia Hillman, a member of the U.S. EAC (Election Assistance Commission), warned Congress not to rush into paper-trail requirements.

Hillman avoided taking a position on paper trail ballots during a subcommittee hearing. But at least 180,000 DREs across the U.S. would have to be upgraded or replaced if Congress required paper trails, she said.

"When you combine the introduction of new equipment, earlier primaries, and the enormous tasks of recruiting and training poll workers to meet a presidential election year deadline -- which is only a year and a half from now -- you have all of the ingredients of a recipe for colossal confusion," Hillman said.

Robin Carnahan, secretary of state for Missouri, also called on Congress to allow reasonable time frames for changes in e-voting requirements. "Don't do things that create expectations but can't be met by local

013022

election officials," she said.

Carnahan said the 2006 election in Missouri was "fair, accurate and secure." Voters there used optical scan and DRE machines with paper trails.

Other lawmakers seemed skēptical of the need for paper trails. Representative Bill Sali, an Idaho Republican, asked Hillman and Randolph Hite, director of information technology architecture and systems for the U.S. GAO (Government Accountability Office), if they knew of any e-voting machines that had been hacked during an election. Both said they were not aware of any.

But Hite called on state and local elections officials to pay more attention to e-voting security and machine life cycle.

Several groups have "raised significant concerns about the security and reliability of electronic voting systems," Hite said. "Many of these security and reliability concerns are legitimate and thus merit the combined and focused attention of federal, state, and local authorities."

In an extensive GAO review, the agency found that many jurisdictions did not use the most current voting system standards, and many do not consistently monitor election performance. Voting-machine best practices were implemented to "varying degrees," he said.

Security measures for e-voting machines "ranged from rigorous to ad hoc," Hite added. He called on the EAC to work with local and state election authorities to strengthen security measures.

#### **Commission urges caution on election reform**

National Journal's Congress Daily AM

An official with the commission charged with overseeing the administration of federal elections urged House lawmakers Wednesday to proceed with caution as they consider sweeping electoral reform legislation.

Election Assistance Commission member Gracia Hillman told the House Oversight and Government Reform Information Policy Subcommittee that earlier primary elections, new equipment and increased poll-worker training demands already stand to complicate the administration of federal elections next year, *National Journal's Technology Daily* reported.

During a hearing on electronic voting machines, she said lawmakers are right to question the use of certain e-voting machines. A measure sponsored by Rep. Rush Holt, D-N.J., would require all e-voting machines to be backed up by paper trails.

But Hillman said Congress needs to be aware of the confusion that extensive e-voting upgrades might cause. She also urged the panel to consider other electoral issues such as voter registration, participation and disenfranchisement.

#### **Rodriguez elected EAC vice -chair**

VoteTrust USA

Former Denver City Council President Rosemary E. Rodriguez today was elected vice chair of the U.S. Election Assistance Commission (EAC) during a public meeting.

As vice chair, she will work with EAC Chair Donetta Davidson as part of the bipartisan leadership team at the commission to set priorities and communicate EAC initiatives.

"My foremost conviction is that all eligible voters should be empowered with simple, unfettered and uncomplicated access to registration and to the voting booth" said Rodriguez. "I look forward to working with my colleagues as we seek practical means to improve elections in this country in ways that most benefit the voters."

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Vice Chair Rodriguez joined the EAC in March. She was nominated to EAC by President Bush in 2006 and confirmed by the U.S. Senate in February. She will serve until December 12, 2007, filling the remaining term of Ray Martinez, who resigned in August 2006.

She served on the Denver, Colorado City Council for three years, and was its president from 2005 to 2006. She was director of Boards and Commissions for the mayor's office from 2002 to 2003 and a clerk and recorder for the City and County of Denver from 1997 to 2002. In 1997 she was acting director of the Denver Election Commission where she supervised city elections. She has been active in numerous grass roots civic and voter advocacy organizations, including the Colorado Voter Initiative where she co-chaired a statewide initiative to allow Election Day voter registration. She was also a co-founder and chair of Latinos Vote, a voter registration project to register Latino voters and provide non-partisan election information to the Latino community.

EAC is an independent bipartisan commission created by HAVA. It is charged with administering payments to states and developing guidance to meet HAVA requirements, implementing election administration improvements, adopting voluntary voting system guidelines, accrediting voting system test laboratories and certifying voting equipment and serving as a national clearinghouse and resource of information regarding election administration. The four EAC commissioners are Donetta Davidson, chair; Rosemary Rodriguez, Caroline Hunter and Gracia Hillman.

Rosemary Rodriguez elected EAC vice-chair  
NALEO Press Release

013924

Los Angeles, CA - The National Association of Latino Elected and Appointed Officials (NALEO), the nation's preeminent Latino leadership organization, congratulates Commissioner Rosemary Rodriguez on her election today to serve as Vice-Chair of the U.S. Election Assistance Commission (EAC). Commissioner Rodriguez, who is a former NALEO Educational Fund Board member, joined the EAC in March 2007, and was elected Vice-Chair by her fellow Commissioners at a meeting held in Kansas City, Missouri. The EAC is an independent bipartisan commission created to provide guidelines and resources to states for federal election reform.

Commissioner Rodriguez comes to her position with over a decade of experience in public service where she gained extensive expertise with many different aspects of election administration. In the 1990's, she was actively involved in educating community members about the need for representative districts during redistricting, and in 2001, she was appointed to the Colorado Reapportionment Commission and served as its Chair. For several years, she served as the City of Denver's Clerk and Recorder, where she was responsible for supervising candidate filings, voter registration and the dissemination of official election information. As Clerk and Recorder, she was a member of Denver's Election Commission, which directs city-wide elections.

Commissioner Rodriguez also served as a member of the Denver City Council since 2003, and in 2005, she was elected by her peers to serve a one-year term as Council President. Through her experiences in public service, Commissioner Rodriguez developed a thorough understanding of the challenges that voters face in gaining access to the electoral process. As a board member of the NALEO Educational Fund, she was involved in efforts to further Latino political participation through the organization's U.S. citizenship promotion work and non-partisan voter engagement project *Voces del Pueblo*.

"Rosemary Rodriguez brings a wealth of knowledge on election issues to the Election Assistance Commission," said John Bueno, NALEO President and former President Pro-Tem for the City of Pontiac, Michigan. "Throughout her career, she has demonstrated a strong commitment to ensuring that all voters

have a voice on Election Day, and she will provide the Commission with invaluable perspectives and expertise. NALEO congratulates Commissioner Rodriguez on her election," concluded Mr. Bueno.

The EAC is an independent bipartisan commission created by the Help America Vote Act of 2002 (HAVA).

It is charged with administering payments to states and developing guidance to meet HAVA requirements, implementing election administration improvements, adopting voluntary voting system guidelines, accrediting voting system test laboratories and certifying voting equipment and serving as a national clearinghouse and resource information regarding election administration. In addition to Commissioner Rodriguez, the members of the EAC are Chair Donnetta Davidson, Gracia Hillman, and Caroline Hunter. Commissioner Rodriguez succeeds former Commissioner Raymundo Martinez III, who resigned in August 2006.

#### The fraudulence of fraud

By Joel Bleifuss  
In Our Times

On April 6, 2006, in Washington, D.C., Karl Rove gave a speech to the Republican National Lawyers Association and issued this dire warning:

We are, in some parts of the country, I'm afraid to say, beginning to look like we have elections like those run in countries where the guys in charge are, you know, colonels in mirrored sunglasses. I mean, it's a real problem, and I appreciate all that you're doing in those hot spots around the country to ensure that the ballot--the integrity of the ballot--is protected, because it's important to our democracy.

When Rove talks about protecting "ballot integrity," that is shorthand for disenfranchising Democratic Party voters. Over the last several years, the Justice Department, with the help of White House

013925



operatives, has sought to boost GOP electoral fortunes by orchestrating a national campaign against voter fraud. But the administration overreached on Dec. 7, when President George W. Bush fired eight U.S. attorneys, a political scandal that some say could become this president's Watergate.

When Republicans talk about *voter* fraud they are referring to illegal voting by individuals, as opposed to *vote* fraud--systematic attempts to steal an election by an organized group of partisans. This emphasis on voter fraud has convinced eight states to pass laws requiring voters to present official photo identification in order to cast a ballot--laws that studies have shown suppress Democratic turnout among voters who are poor, black, Latino, Asian-American or disabled.

Understanding that one way to win closely contested elections is to keep Democratic voters away from the polls, the Republican Party has tried to stoke public fears of voter fraud. On Feb. 15, 2005, the U.S. Senate Republican Policy Committee issued a report, "Putting an End to Voter Fraud," which said, "Voter fraud continues to plague our nation's federal elections, diluting and canceling out the lawful votes of the vast majority of Americans." To remedy the situation, the Senate Republicans advised Congress to "require that voters at the polls show photo identification."

But voting experts maintain that voter fraud is not a national problem. In March, Lorraine C. Minnite, a professor of political science at Columbia University, released "The Politics of Voter Fraud," a report she prepared for Project Vote, an advocacy group based in Arkansas. She writes:

The claim that voter fraud threatens the integrity of American elections is itself a fraud. It is being used to persuade the public that deceitful and criminal voters are manipulating the electoral system. ... The exaggerated fear of voter fraud has a long history of scuttling efforts to make voting easier and more inclusive, especially for marginalized groups in American society. With renewed partisan vigor, fantasies of fraud are being spun again to undo some of the progress America has made lowering barriers to vote.

This is borne out by a study from the Eagleton Institute of Politics at Rutgers University, which found that in the 2004 election, voters in states that required documentation of identity were 2.7 percent less likely to vote than voters in states where documentation was not required. Specifically, the study, commissioned by the U.S. Election Assistance Commission, found that Latinos were 10 percent less likely to vote, Asian-Americans 8.5 percent less likely to vote and blacks 5.7 percent less likely to vote.

What's more, despite GOP claims to the contrary, voter fraud is a very rare occurrence. In 2002 the Justice Department established the Ballot Access and Voting Integrity Initiative to ferret out fraudulent voters. On Oct. 4, 2005, Attorney General Alberto Gonzales, with great fanfare, proclaimed, "We've made enforcement of election fraud and corrupting offenses a top priority." Yet according to an April 12 *New York Times* article, only 120 people have been charged with the crime over the past five years, leading to 86 convictions. Furthermore, the *Times* noted, federal attorneys say that most of the transgressions have been mistakes by immigrants and felons who simply misunderstood eligibility requirements.

The extent of voter fraud is further complicated by the fact that earlier this year the Election Assistance Commission changed the conclusions of a report it had commissioned. The original report by outside election experts concluded, "There is widespread but not unanimous agreement that there is little polling place fraud." The commission deleted that sentence and replaced it with, "There is a great deal of debate on the pervasiveness of fraud."

Rep. José Serrano (D.-N.Y.), who chairs the House Appropriations subcommittee that oversees the commission, is disturbed by this apparently politically motivated substitution. He told *In These Times*:

This possibly could be another Watergate. We have to ask the questions, "Why was this report doctored, and how does this play into the larger picture of voter suppression and intimidation?" By directing public attention to voter fraud you divert attention from the fact that Americans in certain communities are not able to cast their votes properly and that their votes are not being counted. Is this something that this small new agency thought of by themselves or did they get marching orders from somewhere else, perhaps as far up as the White House?

**Firing prosecutors**

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It appears that, under Rove's direction the White House has been planning to use U.S. attorneys to fan national fears of voter fraud. In his speech to the GOP lawyers, Rove listed 11 states that would play a pivotal role in the 2008 elections. Since 2005, Bush has appointed new U.S. attorneys in nine of those states: Florida, Colorado, Wisconsin, Minnesota, Iowa, Michigan, Nevada, Arkansas and New Mexico.

What's more, the firings of U.S. attorneys in New Mexico, Arkansas and Washington appear directly related to this Republican plan to exploit the issue of voter fraud and suppress Democratic turnout.

In Arkansas, Bush fired a sitting U.S. attorney in order to appoint Rove protégé Tim Griffin. (See "The Talented Mr. Griffin" by Greg Palast on page 31.)

In Washington, fired U.S. Attorney John McKay had refused to prosecute alleged voter fraud in the 2004 Washington governor's race, in which Democrat Chris Gregoire beat Republican Dino Rossi by 129 votes.

On March 6, McKay testified before the Senate that after the election Republicans pressured him to open an investigation. He said his office had examined the allegations of voter fraud and decided there was not enough evidence to pursue a case.

"Had anyone at the Justice Department or the White House ordered me to pursue any matter criminally in the 2004 governor's election, I would have resigned," McKay told the *Seattle Times*. "There was no evidence, and I am not going to drag innocent people in front of a grand jury."

In New Mexico, David C. Iglesias was equally suspect in the eyes of the GOP. Recall that in 2000, Gore beat Bush by 377 votes in New Mexico. Consequently, in 2004, Democrat-affiliated groups initiated voter registration campaigns in New Mexico. As a result, two boys, age 13 and 15, received voter cards in the mail. Iglesias responded by setting up a bipartisan task force to investigate. This didn't satisfy attorney Mickey D. Barnett, who represented the 2004 Bush-Cheney campaign in New Mexico. He told Iglesias he should bring federal charges against a canvasser who forged their signatures, which he refused to do.

In a *New York Times* op-ed, Iglesias wrote:

What the critics, who don't have any experience as prosecutors, have asserted is reprehensible--namely that I should have proceeded without having proof beyond a reasonable doubt. The public has a right to believe that prosecution decisions are made on legal, not political grounds.

#### **Manufacturing voter fraud**

The issue of fraudulent voters undermining American democracy did not spontaneously erupt. To promote national concern about voter fraud, in March 2005 GOP operatives with ties to the White House established a 501(c)4 organization called the American Center for Voting Rights Legislative Fund (ACVR). The group went public by establishing a Web site, ac4vr.com. (The site has since been taken down for unknown reasons.)

According to its 990 tax forms, ACVR is based in Midlothian, Va., and its executive director is Robin DeJarnette, who is also the founder and executive director of the Virginia Conservative Action PAC. However, according to the registration form for its Internet domain name, the group's address is a mailbox at a UPS Store in Dallas. The chairman of ACVR is Brian Lunde, a former Democratic National Committee official from Texas, who in 2004 was head of Democrats for Bush.

ACVR specializes in issuing studies that purport to document a host of voter fraud cases, like the report titled: "Democrat operatives far more involved in voter intimidation and suppression in 2004 than Republicans."

On March 21, 2005, four days after ACVR went public, Rep. Bob Ney (R-Ohio), then chair of the Committee on House Administration, opened hearings on 2004 election irregularities. One person who testified was ACVR National Counsel Mark "Thor" Hearne II, who described himself as "a longtime advocate of voter rights and an attorney experienced in election law." In the aftermath of the 2000

010027

presidential campaign, Hearne was dispatched to Florida as a Republican observer in Broward County's manual recount, and in 2004 he worked as the national general counsel for Bush/Cheney '04 Inc.

In his testimony, Hearne described ACVR as "committed to defending the rights of voters and working to increase public confidence in the fairness of the outcome of elections." And he submitted to the committee a copy of the ACVR's "Ohio Election Report," of which he was the lead author. That report read in part:

This [Democratic] voter registration effort was not limited to registration of legal voters but, criminal investigations and news reports suggest, that this voter registration effort also involved the registration of thousands of fictional voters such as the now infamous Jive F. Turkey, Sr., Dick Tracy and Mary Poppins. Those individuals registering these fictional voters were reportedly paid not just money to do but were, in at least one instance, paid in crack cocaine.

And in testimony on Dec. 7, 2006, the same day the prosecutors were fired, Hearne told the Election Assistance Commission: "Recent press reports suggest that voter registration fraud remains a significant issue in the recent mid-term elections."

The press contact for ACVR is Jim Dyke, who was the communications director of the Republican National Committee during the 2004 election. In the fall of 2005 he was working in the White House trying to get Harriet Miers on the Supreme Court, before moving on to work in Vice President Dick Cheney's office. Brad Friedman of [BradBlog.com](http://BradBlog.com) reported that according to internet records, Dyke registered the ACVR Internet domain name, ac4vr.com, in December 2004. Those records have since disappeared from public view. (The source of ACVR's funding is also mysterious. According to the *Pittsburgh Tribune-Review*, "When asked to name any contributors to his nonprofit, Hearne claimed he did not know but said Lunde did. When Lunde was asked, he claimed he did not know but said Hearne did.")

Dyke is a good friend of his fellow Arkansan Tim Griffin, the new U.S. attorney in Arkansas. In 2004, both worked at the Republican National Committee helping Bush get re-elected. Dyke has been a vocal defender of Griffin's appointment as U.S. Attorney. "He has a real passion for the law," Dyke told the *Arkansas Democrat-Gazette*.

Rounding out the GOP operatives is Pat Rogers, who sits on the board of ACVR. An attorney for the Republican Party in New Mexico, he has been a vocal critic of fired U.S. Attorney Iglesias. According to the *Albuquerque Tribune*, Rogers is on the short list to replace Iglesias.

#### **Rove's role**

Minnite, who did the study on voter fraud, has read through the reports prepared by ACVR and presented by Hearne at various official hearings. She noticed that the claims follow a predictable script. "It all starts to look the same," she says. "There is a pattern in the way the documents that claim to show voter fraud are put together. It is usually a compilation of news reports on allegations. There is no follow up, no research done, no analysis."

"As I delved into it, I was faced with the question: 'Why do people think there is a lot of fraud when there isn't any real evidence?' I think people are being manipulated by politics, which takes the form of these reports that are dumped on the public. It is as if you get a big enough pile maybe you will convince people that the volume of fraud is quite large and that we have a serious problem."

Wisconsin provides a case in point. At a March 13 press conference, White House Counsel Dan Bartlett identified Wisconsin as one of the states from which the White House had "received complaints about U.S. attorneys."

In 2005, U.S. Attorney Steve Biskup, who was appointed by Bush, investigated these allegations of voter fraud and reported that he found no evidence on which to press charges.

It turns out that early in 2005, Republican officials in Wisconsin prepared a report titled "Fraud in Wisconsin 2004: A Timeline/Summary." The document, which was found in White House and Justice Department records released by the House Judiciary Committee, was written by Chris Lato, the former

communications director for the state Republican Party, on orders from Rick Wiley, the party's executive director. The 30-page report, which covers Aug. 31, 2004 to April 1, 2005, contains 65 entries detailing voter fraud. The final example is titled: "RPW [Republican Party of Wisconsin] News Release: Evidence of Election Fraud Piles Up."

The information contained in this Wisconsin compilation, made its way into a 78-page report released on July 21, 2005, by ACVR: "Vote Fraud, Intimidation & Suppression in the 2004 Presidential Election." In the introduction, the ACVR's Hearne and Lunde wrote that the report "documents hundreds of incidents and allegations from around the country. ... [T]housands of Americans were disenfranchised by illegal votes cast on Election Day 2004 ... [P]aid Democrat operatives were far more involved in voter intimidation and suppression activities than were their Republican counterparts. ... [R]equiring government-issued photo ID at the polls ... will help assure ... that no American is disenfranchised by illegal votes."

And who was behind this trail of misinformation? On April 7, Daniel Bice, a columnist for the *Milwaukee Journal Sentinel*, reported that a source familiar with the document told him, "The report was prepared for Karl Rove. Rick [Wiley] wanted it so he could give it to Karl Rove."

On April 6, 2006, in Washington, at the aforementioned speech to Republican Party attorneys, Rove began with a joke: "I ran into [ACVR's] Thor Hearne as I was coming in. He was leaving; he was smart, and he was leaving to go out and enjoy the day." Rove then told the assembled party lawyers, "We have, as you know, an enormous and growing problem with elections in certain parts of America today."

Rove should know. He helped grow the problem.

#### A Selective View of Fraud

By: Joe Conason  
New York Observer

Even as Alberto Gonzales rehearses his excuses for the strange dismissal of eight United States Attorneys, which he will perform in public at a Senate hearing this week, he is looking like a marginal player in this scandal. The Attorney General fumbled his role, but in keeping with his Presidential nickname (Fredo), he probably never understood the broader scheme originating in the Bush White House.

Developed by deputy chief of staff Karl Rove, the President's top political aide, that scheme was evidently designed to advance his objective of discouraging minority voters and others with the bad habit of supporting Democratic candidates. In Republican parlance, such attempts to hamper registration, intimidate citizens and reduce turnout in targeted communities are lauded as "combating voter fraud." Several of the fired U.S. Attorneys had angered party operatives, including Mr. Rove, because they had shown so little enthusiasm for trumping up fraud cases against Democrats.

Following the 2004 election, David Iglesias, then serving as the U.S. Attorney in New Mexico, set up a task force to investigate Republican allegations of fraud. Those accusations boiled down to a single case where a woman had created a handful of phony registrations. (She did so for financial reasons, rather than out of any desire to manipulate the election.) When Mr. Iglesias declined prosecution for lack of airtight evidence, local Republicans began to demand his replacement with a more pliable and less professional prosecutor—a demand eventually fulfilled by Mr. Rove and President Bush.

In Wisconsin, by contrast, U.S. Attorney Steven Biskupic prosecuted voter-fraud allegations regardless of merit, winning big headlines when he indicted 14 black Milwaukee residents for casting ballots illegally. Nine of those cases were either tossed out or lost in court—an awful result compared with the normal conviction rate of over 90 percent. But at least the mediocre Mr. Biskupic—whose conviction of a Democratic state official was just overturned on appeal—managed to remain in the good graces of the White House and keep his job.

The Republican cry of "voter fraud" is a specious complaint, amplified by right-wing hacks to conceal the

013929

fact that in recent years, the most sustained efforts to interfere with orderly elections and voting rights can be traced to the Republican National Committee.

Harassing minority voters with bogus claims of fraud is a venerable tradition in the G.O.P., as anyone familiar with the career of the late Supreme Court Chief Justice William Rehnquist would know. Back in the early 60's, when Rehnquist was just another ambitious young lawyer in Arizona, he ran a partisan campaign to confront black and Hispanic voters over their "qualifications." Along with many of today's generation of Republican leaders, he was a stalwart of the Goldwater campaign in 1964, which garnered its handful of electoral votes in the South by opposing the Voting Rights Act.

Then came Richard Nixon's Southern strategy of nurturing racist grievances to build Republican majorities—around the time that a young operative named Karl Rove was rising in the party. Under his leadership, the G.O.P. has repeatedly been disgraced by conspiracies to diminish voter participation.

In 2002, Republican operatives used a telemarketing firm to illegally jam Democratic phone banks in New Hampshire to win the U.S. Senate seat now held by John Sununu. In 2004, Florida state officials sent armed officers into certain Orlando neighborhoods to scare elderly black registrants, while Republicans sought to challenge minority voters en masse in communities in Kentucky, Nevada, South Carolina, Pennsylvania and Ohio; and paid for the destruction of Democratic voter registrations in Nevada and Oregon.

Actual voter fraud of the kind decried in Republican propaganda is rare, according to nonpartisan experts. Although the White House recently rewrote a careful federal study by the Election Assistance Commission to hide that basic fact, it remains true that very few individuals intentionally seek to fabricate a registration or cast an illegal ballot. There are exceptions, of course—most notably illustrated by Republican celebrity Ann Coulter.

When the far-right columnist and television personality registered to vote in Palm Beach, Fla., in 2005, she wrote down the address of her realtor's office rather than her own home address. She then signed the form, despite its plain warning that falsifying any information on it would make her liable to felony prosecution—and which she, as a lawyer, surely understood. According to Palm Beach County election officials, she also voted in the wrong precinct the following year, disregarding a poll worker who explained her error. (Coulter fans can view her dubious voter-registration form online at [www.bradblog.com](http://www.bradblog.com).)

If proved, those acts would be crimes punishable by prison terms of up to five years, but Ms. Coulter has stonewalled the ongoing investigation. (She says the Palm Beach officials are syphilitic and mentally defective.) No charges have been filed so far, perhaps because her lawyer is a prominent Republican who worked on *Bush v. Gore* in 2000—and whom the President then appointed as U.S. Attorney for the Southern District of Florida. He must know a lot about voter fraud.

#### **Voter ID laws need measured implementation**

Timothy J. Ryan, AEI-Brookings, 4/17/2007

The controversy over laws that require citizens to present identification in order to vote returned to national attention last week with a prominent report cataloging steps that the Election Assistance Commission took to lessen the splash of a study examining voter fraud in the United States. Where the original study concluded that there is "widespread but not unanimous agreement that there is little polling place fraud," the version revised by the EAC finds that "there is a great deal of debate" about the prevalence of voter fraud and made other adjustments to temper the findings.

Voter ID laws tend to invite rancor because partisans on both sides of the aisle believe any changes could affect the outcome of various elections. Republicans generally express concern that lax requirements open the door for elections to be stolen by duplicate voters and the like, while Democrats point to a lack of evidence about the extent of fraud and fear that identification requirements dissuade a large number of poor and minority voters—traditionally Democratic constituencies—from voting. Many people in these demographics, the argument goes, do not have drivers' licenses or comparable

identification and can experience difficulty in acquiring them. Further, even the identifications that some states provide for free require documentation—birth certificates or the like—that themselves can require high fees. In this way, ID requirements are compared to modern poll taxes.

A balanced take on the situation is made more difficult by a terrible paucity of convincing evidence regarding both the extent of fraud and the degree to which ID requirements depress turnout. Timothy Vercellotti and David Anderson have released one study suggesting a small negative influence on turnout, but they will be the first to admit that good evidence is hard to come by and that their conclusions are hardly definitive. Similarly, Tova Wang, Spencer Overton, and others point to the fact that relatively few examples of voter fraud have been reported, but skeptics can always respond with the valid concern that fraud, being a criminal activity, is undetectable whenever it is successful. We only know about fraud when it is caught; who knows how much fraud escapes our attention? And even if fraud is uncommon today, could it not become a problem tomorrow?

Aside from the difficulty of balancing integrity and accessibility, proponents of voter ID laws argue that identification requirements will help to restore the flagging confidence in election administration (see Indiana Secretary of State Todd Rokita's Q&A here) and that the standards are needed to bring U.S. practices on par with the rest of the world; most advanced democracies require identification of some kind (though the onus of providing the ID oftentimes lies on the government).

Perhaps there are a few items within the debate upon which both sides of the aisle can agree. First, voter ID laws would not prevent all kinds of fraud or even the most consequential. Requiring an ID might prevent impersonation of other individuals at the polling places, but it would not, for example, prevent the stuffing of ballot boxes, either in the old, literal sense or the modern electronic equivalent: the subversion of machine software through hacking.

Second, it is difficult to perpetrate fraud—at least the kind of fraud that IDs are designed to prevent—in the volume that would be necessary to swing an election. Impersonating a voter would require either falsifying registration forms to place fictional voters on the rolls or stealing the persona of someone who had already registered. In the first case, an election thief would typically have to contrive fake addresses, a kind of fraud that could well be discovered if perpetrated on a large scale. Similarly, stealing the identity of a real person would require an assurance that the victim had not already voted. Otherwise, a fraudulent voter could be caught red-handed.

Furthermore, in-person fraud would require the perpetrators to travel to enough polling stations on Election Day so as to cast a significant number of fraudulent votes. How many polling places could a single person visit in one day? Fifteen? Perhaps twenty? Such a small number of fraudulent votes is unlikely to change the outcome of an election, and so it seems that any successful scheme would have to employ a group of individuals. Of course, as the number of perpetrators increases, so does the probability of being caught. How many of even the most avid partisans would undertake the formidable risk of jail time in order to marginally increase the likelihood of their favored candidate winning? In many ways, the kind of fraud that an ID requirement would prevent is akin to the counterfeiting of nickels and dimes: high risk for low reward.

Finally, any effort to neutralize voter fraud without a sober consideration of absentee voting would be sorely incomplete. Absentee voting, which routinely constitutes 30 percent or more of the votes cast in some states (such as California), requires no proof of ID and is very much the Achilles heel of election security. Because a single individual could theoretically acquire hundreds of absentee ballots and complete them in private, it is the method most likely to facilitate wholesale voter fraud. If fraud through impersonation is analogous to counterfeiting nickels and dimes, absentee voting could be the equivalent of counterfeiting \$100 bills. It is for this reason that efforts to encourage absentee voting, such as allowing absentee voting without an excuse, should be considered with great caution.

Nevertheless, if the states do want to employ some kind of ID requirement, they should take steps to minimize the possibility that ID laws will prevent legitimate votes from being cast. For instance, Virginia allows ID-less voters to cast a ballot as long as they are registered and sign an affidavit affirming their

013931

identity. It is a practice not altogether satisfactory to hard-liners on either side, but a reasonable middle ground between security and accessibility. Administrators might even consider strengthening this practice by allowing ID-less voters to check a box indicating that they do not own an acceptable identification. If checked, that individual would receive an ID application in the mail. He or she could then submit the application along with a utility bill or other proof of identity in order to receive a free voter identification card. To reinforce the affidavit's status as a short-term fix, voters who habitually show up to Election Day without an ID might eventually lose the privilege of identifying by affidavit.

There remains room for spirited debate about the merits of voter ID laws. One could plausibly favor them for reasons of confidence and facility of recordkeeping while still denying that large-scale fraud exists at all. Still, hastily implemented ID laws could disenfranchise legitimate voters to a far greater degree than they would prevent illegitimate voting. For this reason, lawmakers who genuinely seek to administer elections with an eye towards inclusiveness as well as integrity should consider the imposition of greater requirements with the utmost care.

*Timothy J. Ryan can be reached at [tryan@aei.org](mailto:tryan@aei.org). This piece originally appeared in the AEI-Brookings Election Reform Project Newsletter.*

### **What the Senators Should Ask Gonzalas**

By Mark A.R. Kleiman

There are really only two questions the Senate Judiciary Committee needs to ask Alberto Gonzales today:

1. Why are you such a lying turkey?
2. When are you going to resign?

But that would make for an unduly short hearing, so here are a few more questions, just to fill in the time:

1. In your prepared testimony released over the weekend, you assert that you had no advance role in planning for the Pearl Harbor Day massacre. An email sent last year by your assistant, Kyle Sampson, says otherwise. Can you explain the discrepancy?
2. If you were concerned about the performance of the U.S. Attorneys who were fired, why didn't you or anyone from DoJ HQ write them to document those concerns and ask for plans of improvement? Isn't that normal management practice?
3. If you were concerned about the performance of the U.S. Attorneys who were fired, why did the Director of the Executive Office of U.S. Attorneys not know anything about those concerns until the firings happened?
4. Did anyone in the White House, directly or indirectly, ever express concern about Carol Lam's corruption investigations? Who? When? What was said?
5. Do you agree with the theory offered by U.S. Attorney Biskupic than anytime political considerations

013932

enter into the award of a public contract, that constitutes misappropriation of funds? Has the Public Integrity Section considered or brought such cases against any Bush Administration officials? Why not? And if you don't think that theory is legally sound, why does Mr. Biscupic still have a job?

6. Is it true that Karl Rove and/or Pete Domenici asked you to fire David Iglesias? If so, what were their stated reasons? Is it true that you refused to fire him without a direct order from the president? Did you ever discuss Mr. Iglesias's tenure with the president? Did he instruct you to fire Mr. Iglesias?

7. No doubt you've seen the letter sent by an anonymous group of DoJ career staff, charging that the Honors Program hiring process has been politicized, and that summa cum laude graduates of Harvard and Yale Law Schools chosen by the operating divisions as potential new hires were denied interviews on the orders of the Deputy Attorney General's office because their resumes indicated liberal political leanings or experience working for Democratic legislators. What inquiries have you made into the truth of those allegations? When can you have us a full report, with the names of the candidates redacted?

8. When was it decided that the Civil Rights Division would give preference in hiring to attorneys with no experience in civil rights law? Why? Is it helpful for fewer than half of the new hires to have relevant experience, compared to the historical average of more than three-quarters?

Or is it simply that less experienced attorneys generally aren't as likely as career professionals to resist political interference?

9. During your tenure, the Department has moved away from prosecuting cases of voter intimidation and suppression and toward prosecuting cases of "voter fraud." But you have yet to develop a case where there was any concerted effort to steal a federal election by having ineligible people vote, and in fact a high proportion of the "vote fraud" indictments brought have ended in acquittals. A consultant's report to the Election Assistance Commission found no evidence of any widespread vote fraud, but did find systematic voter suppression and intimidation. Why, in the face of this evidence, do the Department and the White House and the RNC continue to insist that "voter fraud" is a serious problem. If it is, why can't you seem to find any?

10. In your view, does the theory of the unitary executive bar the Justice Department from prosecuting White House officials for contempt of Congress if they refuse to comply with Congressional subpoenas?

11. After Deputy Attorney General Paul McNulty testified before this committee that the U.S. Attorney for Arkansas, Bud Cummins, had been let go for purely political reasons, Brian Roehrkasse of your public affairs staff, who was traveling with you in Argentina, sent an email to your chief of staff, Kyle Sampson, saying that you were unhappy with that testimony. Were you unhappy about it because it was false, or

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because it was true? If you thought it was false -- if you thought, that is, that the Deputy Attorney General of the United States had testified falsely before this committee -- why did you not notify the committee, or insist that Mr. McNulty notify the committee, about the error? If you didn't think it was false, what was the basis of your concern? Did you think it inappropriate for the Deputy Attorney General to tell the truth under oath?

12. There are conflicting stories about the role of the junior senator from Minnesota, Mr. Coleman, in the appointment of Rachel Paulose as U.S. Attorney. It would have been normal for the only senator of the President's party from the affected state to be consulted. Did you, or to your knowledge anyone in DoJ or the White House, ever discuss Ms. Paulose's appointment with Senator Coleman? If so, what was his advice?

13. What was your role in inserting the provision allowing the president to appoint replacement U.S. Attorneys without Senate confirmation into the USA PATRIOT Act reauthorization? To your knowledge, who first came up with that proposal? At what point did you first consider using that provision in connection with the Pearl Harbor Day massacre? How did it happen that Mr. Tolman, formerly the Chief Counsel to this committee who (according to the senator from Pennsylvania, Mr. Specter, then the Chairman) oversaw the somewhat surreptitious insertion of that provision into the law, then became United States Attorney for Utah? Why did the Department oppose the repeal of that provision after the Pearl Harbor Day massacre? What communications have you had with the senator from Arizona, Mr. Kyl, about his placing of a hold on that repeal proposal even after DoJ reversed its stated position?

14. Why wasn't Monica Goodling dismissed immediately after she asserted her right against self-incrimination in connection with the Pearl Harbor Day massacre? Would that not be consistent with the Department's pressure on corporations to fire employees who refuse to cooperate in investigations?

*Mark Kleiman is Professor of Public Policy and Director of the Drug Policy Analysis Program at UCLA. He blogs for The Reality-Based Community.*

#### **A really important homework assignment**

*By Joan Brunwasser  
Op-Ed News*

**A Really Important Homework Assignment**  
By Joan Brunwasser, Voting Integrity Editor, OpEdNews April 18, 2007

I am better at writing than doing, talking than doing, virtually anything than actually doing. I'm probably not the only one, but it sometimes makes a mockery of my so-called activism.

My heart is in the right place, but I was born in the wrong generation. High-tech is just not me. If I had been around in the early twentieth century, I would have been a hold-out for the horse and buggy, flustered by those whippersnappers flashing by in their horseless wonders. Paper and pencil are my

013934

preferred means of communication, which is why you'll never catch me with a PDA. My sore rear end is a result of my work at OpEdNews, not from surfing the web.

One of the perks of my role as voting integrity editor is that I've been able to connect and establish a rapport with many of the people who have been driving the election integrity movement over the last few years. I do my best to be fair, and I have no particular axe to grind, so people are pretty patient about my technological shortcomings. OpEdNews does its best to include as many of the activists and their work as possible, and we've done a pretty good job at it.

Brad Friedman is one of my cyber-buddies. I have gotten a great education on election integrity from BradBlog.com. His daily exposés are, for me, what I imagine a cup of coffee is for caffeine addicts. I need my fix to feel like I'm on top of things. We have corresponded for quite a while, and even once had a freewheeling phone conversation with the potential of turning into an interview (except for the fact that I don't know how to do interviews and my computer ate the file of the transcript that he sent me). I am grateful to him for teaching me how to insert links so that my articles would look more professional, even though I wasn't a particularly quick study.

I often feel like a cheerleader (finally, sort of fulfilling my aspirations as a junior high schooler). People do great work, and I commend them for it by posting their articles at OpEdNews to give them more exposure. But, in terms of being able to follow exactly what they're saying or actually follow through on their calls to action, there's the rub. And I don't think I'm the only one, either.

I've had an idea for a while about developing a prototype so that people could print it up and have it in front of them when they made calls to their secretaries of state to enlist their support for election reform. It's a project that is on my friend Nancy (of the Election Defense Alliance) Tobi's list, but the truth is that she is so busy with everything else she's doing, she hasn't been able to get to it yet. Nancy believes that our congressional representatives need to hear from their constituents, and that we all need to begin identifying which ones are on our side and which are not. We need to be strategic in order to win. (Stay tuned for your next assignment. Our template for contacting your congressional reps is in the works.)

In the meantime, there I am, full of good intentions. But, have I picked up the phone and called my own Secretary of State, Jesse White? No, I shamefacedly admit, I have not. And if I haven't, I venture to guess that most people haven't either.

Why haven't I? I'm uncomfortable doing it because I don't feel that I really get all the issues yet, which makes me tentative. That's why I thought of this how-to template that would lay out the issues in a very straightforward, easy-to-follow format. That way, I could just clutch it in front of me when I made my phone call.

I wrote Brad about his article on the latest electronic voting machine/EAC scandal - [click here](#) "Exclusive: ES&S Touch-Screen Voting Systems Found Vulnerable to 'Serious' Viral Vote-Flipping Attack; US Election Assistance Commission Refuses to Issue Warning" - which reads in part,

The vulnerability is said to allow for a single malicious user to introduce a virus into the system which "could potentially steal all the votes in that county, without being detected," according to a noted computer scientist and voting system expert who has reviewed the findings.

I commended Brad (and co-author Michael Richardson) on the post. This is what he wrote me when I asked what we can be doing.

[Make] noise, noise, noise. Any way possible. You're media! Call the EAC [Election Assistance Commission] and see if they have any explanation for that article!

When they give you the same old song and dance, report it again! Call a couple of the SoS offices at the affected states and ask them if they know their systems were found to have been vulnerable to viruses from a single person that could flip an entire county's election undetectedly, and ask them why they didn't

013935

know about it, since the EAC did, and if they think the EAC should have let them know. Etc.

Advance the story, report it. We could use ya, teammate!

So, here's what I did. I went online and got the telephone number of the EAC, (toll-free 866-747-1471) and the name of the director (Jeannie Layson).

Then, I went online again and got the link for the complete roster of all 50 states (<http://www.nass.org/sos/soscontact.html>) with the Secretaries of States and their phone and fax numbers, snail mail and e-mail addresses. In short, more information than you or I will ever need.

Then, I printed up a copy of the original article from April 16th by Michael Richardson and Brad Friedman (<http://www.bradblog.com/?p=4396#more-4396>) as well as an update that lists the 16 states affected by this newly discovered "virus vulnerability" (<http://www.bradblog.com/?p=4416>). So now I'm all set with everything I need.

Unfortunately, it's too late today to call. But, tomorrow, I will take all of my pieces and:

1. Call the EAC and ask them about the article and why they take no responsibility for contacting and warning the states affected by this serious breach. (Keep in mind that this incompetent group is about to be made a permanent fixture on the political landscape if HR 811 is passed.) I will note any comment, or refusal to comment.
2. Then, I will call as many of the 16 secretaries of state as I can to ask what they think about this article, which I will offer to fax or email to them. (I'm assuming that after one or two calls, it will be pretty easy and the words will just roll off my tongue.)
3. Then, I will contact my own secretary of state (thankfully, Illinois is not on this list, but we have plenty of our own problems) and discuss how we can work together on spreading the word about the problems with the EAC, electronic voting and HR 811.
4. Then, I will write another OpEdNews piece and tell you how it went!

Hopefully, you will all take heart from this boiled-down, step-by-step template and be empowered to follow the steps yourselves. Let me know where you got and what they said. Trust me when I say that this kind of approach can make a difference. In the meantime, we will be creating dozens - hopefully even hundreds or thousands - of citizen journalists who are stepping forward to do the job so disastrously abandoned by the mainstream corporate press.

I almost forgot the last step:

5. I will take my shoes off, put my feet up, and heave a big sigh of relief. Thanks, Brad, for making me do this. I feel a lot better now. And it wasn't even as hard as I thought it would be.

Authors Bio:

Joan Brunwasser of Citizens for Election Reform is a citizen activist working hard to restore and preserve free and fair elections. She started a lending library project to distribute the "Invisible Ballots" DVD in mid September 2005. In the following eighteen months, she loaned the DVD to almost 3,200 'borrowers' in 37 states, DC, Puerto Rico, Canada, Holland, England, Ireland and Japan. Since the DVD's release in spring 2004, there have been numerous studies and hacks, all of them critical of electronic voting. Her new focus is on raising public awareness about what's wrong with our elections and how to achieve a fair, secure and transparent election system. She welcomes your help in spreading the word. She has been the Voting Integrity Editor for Op Ed News since December 2005.

013938

## **Millender-McDonald reveals few details**

After feeling ill earlier this month, House Administration Chairwoman Juanita Millender-McDonald (D) visited at least one doctor in Washington, D.C., and returned home to California prior to the April recess for several more sessions with physicians before informing House Democratic leaders Friday that she is suffering from cancer.

According to Millender-McDonald's chief of staff, Bandele McQueen, the Congresswoman, who has closely guarded information regarding her health over the years, has not even told her Capitol Hill staff what type of cancer she is suffering from or how aggressive it might be.

"We appreciate the concerns folks have for the Congresswoman, but at this point we don't have any more information on the type of cancer or the type of treatment," McQueen said.

Millender-McDonald's official leave of absence, granted by Majority Leader Steny Hoyer (D-Md.), extends through May 25.

"She's not going into the office this week or anything, but by being in the district she will have the ability, whether it's working from home or going into the office, to continue to conduct the business of the 37th," said McQueen. "But right now the main focus is making sure that she's well. Hence she's asked for this leave of absence. ... She is hoping to return as soon as possible."

However, McQueen added, "I would be lying to you if my concern is her return to Congress. My concern is her return to good health."

He added that Millender-McDonald has medical staff attending to her at home on an hourly basis, but he dismissed rumors that it was any kind of hospice situation.

On Wednesday, Millender-McDonald was elected, in absentia, to serve as vice chairwoman of the Joint Committee on the Library at the panel's organizational hearing.

During that session, several Members on both sides of the aisle expressed their sympathy and wishes for a speedy recovery, including Sen. Dianne Feinstein (D-Calif.), the newly elected chairwoman of the Library of Congress panel.

Immediately afterward, the Joint Committee on Printing held its organizational hearing, in which House Administration Vice Chairman Robert Brady (D-Calif.) was elected chairman of the joint panel (Feinstein will serve as his vice chairwoman). While the Printing gavel has in the past fallen to the chairman of the House Administration Committee, the decision that Brady would run the committee in the 110th Congress was made with input from the Democratic leadership well before Millender-McDonald announced her illness, according to Brady's chief of staff.

Meanwhile Brady will be leading the House Administration Committee during Millender-McDonald's absence, although he stressed on Wednesday that "I'm just keeping things warm until the lady comes back."

But while giving his remarks at the joint committee's meeting, House Administration ranking member Vernon Ehlers (R-Mich.) – who also is serving on both joint panels and led the Library committee in the 109th Congress – jokingly referred to Brady as "Mr. Mayor" in reference to his ongoing campaign for mayor of Philadelphia.

The primary for that election will be held more than a week before Millender-McDonald is due to return from her leave of absence.

When asked about the joke after the hearing, Ehlers simply noted that Brady will have "a very busy life" chairing the committee while seeking another office.

"But," he added, "it's Speaker [Nancy] Pelosi's (D-Calif.) appointment and he's going to have to decide if

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he wants to do it" while he's actively campaigning.

But even prior to this week's news about Millender-McDonald's illness, Republican committee staff have raised concerns about the panel's inaction in certain areas of jurisdiction including the Capitol Visitor Center project and Smithsonian Institution. Meanwhile, other House and Senate committees have been holding hearings on those subjects.

Earlier this month, Ehlers wrote a letter to Millender-McDonald criticizing Democratic leaders for not yet appointing Members to serve on the Franking Commission, which oversees House lawmakers' official mail. Ehlers pointed to a rise in unsolicited e-mail as "evidence of the toll that a lack of oversight has taken."

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013538

Jeannie Layson /EAC/GOV

04/17/2007 02:14 PM

To cbertelson@post-dispatch.com,  
khorrigan@post-dispatch.com

cc

bcc

Subject EAC and the Vote Fraud and Voter Intimidation Project

Ms. Bertelson and Mr. Horrigan,

Thank you so much for speaking with me. Here's information about the vote fraud/voter intimidation project:

The vote fraud and voter intimidation project began in Sept. 2004. As I said, the statement that this project had been five years in the making is incorrect -- that predates the creation of the EAC. Commissioners were appointed in Dec. 2003, and the agency's first year of operations was 2004 with a \$1.2 million operating budget.

Also, any assertion that the administration edited the final report, Election Crimes: An Initial Review and Recommendations for Further Study, is absolutely false. And just to be clear, at no point in this process did the administration play any role at any time during the life of this project. As we discussed, EAC contracted with two consultants to do two things: define "vote fraud" and "voter intimidation" and provide recommendations for future study based on their review of court cases, literature and interviews with 24 people who have experience in these areas. On page 24 of the final report, there are links to appendices which contain the consultants' bios, as well as interview summaries, and all of the court cases and literature they reviewed. EAC advisory boards were briefed on this project at a public meeting in May 2006.

EAC staff reviewed every article, every court case and every interview for accuracy, as we have a responsibility to do. This review process was conducted within the agency by EAC staff. After the staff reviewed the document and edited it for accuracy, added information reflecting which recommendations the commission should adopt, it presented its recommended report to the commission. The commission adopted the final report at a public meeting in December 2006. This meeting was also webcast.

Since the adoption of the final report, the Commission's actions have been questioned by Members of Congress, the media and others. Yesterday, EAC Chair Donetta Davidson requested that the inspector general conduct a review surrounding the circumstances of this project and the voter ID research project. Go here to read the Commission's statement, the memo to the IG and the letters we've received from Congress.

Criticism is fair and healthy. However, I request that criticism be based on facts. It is not factual to state that it took five years to complete this project. And it is not factual to state that the administration played any role -- editing or otherwise -- in this project.

I request a correction that clarifies both of the above points. Also, I think it would be fair to point out that the chair has asked the IG to look into the process. You could link to the IG memo and let readers see our point of view, and the point of view of those who are critical of EAC decisions.

I thank both of you for your consideration in this matter. And again, let me reiterate the fair and professional treatment EAC has received from the reporters in the DC bureau. We look forward to answering any questions the editorial board or the news side of your organization has about EAC or its decisions or actions. Please don't hesitate to call me if I can be of assistance in the future.

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013939

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013940

Jeannie Layson /EAC/GOV

04/16/2007 05:54 PM

To "Adam Ambrogi" <Adam\_Ambrogi@rules.senate.gov>

cc

bcc

Subject Re: Donetta requests IG review 

I'll check on the status of the response and I'll let them know about the hearing. Thanks again...

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----

**From:** "Ambrogi, Adam (Rules)" [Adam\_Ambrogi@rules.senate.gov]

**Sent:** 04/16/2007 05:54 PM AST

**To:** Jeannie Layson

**Subject:** RE: Donetta requests IG review

Thanks, Jeannie—I appreciate the 'head's up.' I had heard that from Bryan's list serve a couple of minutes before your email. I will make sure that Howard has seen the release and memo. I will forward it to Senator Durbin's Appropriations staff as well. When you have an estimated timeline for the Commission's projected response to Sens. Durbin and Feinstein, please let me know.

Also- I've been asked to let you all know that Chairman Feinstein has set a tentative date of June 13<sup>th</sup> for a hearing on the Election Assistance Commission. Beyond the tentative date—there are no other details.

I hope that you're doing ok— drop me a line or call if there's anything else that's new.

Best,  
Adam

-----  
Adam D. Ambrogi  
Counsel  
Senate Committee on Rules and Administration  
Russell Senate Office Building, Room 325B  
Washington, D.C. 20510  
202-224-0279

-----  
**From:** jlayson@eac.gov [mailto:jlayson@eac.gov]

**Sent:** Monday, April 16, 2007 4:10 PM

**To:** Ambrogi, Adam (Rules)

**Subject:** Donetta requests IG review

Just wanted to make sure you knew that Donetta has requested that the IG review the circumstances surrounding the voter ID and the vote fraud and voter intimidation research projects. Info is attached. Let me know if you have questions or need more info... Howard Gantman is on our distribution list, so he should have received this as well.

013941



Hope all is well with you...

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013942

Jeannie Layson /EAC/GOV

04/16/2007 04:03 PM

To "Hicks, Thomas"

<Thomas.Hicks@mail.house.gov>@GSAEXTERNAL

cc

bcc

Subject RE: FYI

I figured...

Jeannie Layson

U.S. Election Assistance Commission

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Suite 1100

Washington, DC 20005

Phone: 202-566-3100

www.eac.gov

"Hicks, Thomas" <Thomas.Hicks@mail.house.gov>



"Hicks, Thomas"

<Thomas.Hicks@mail.house.gov>

04/16/2007 03:59 PM

To jlayson@eac.gov

cc

Subject RE: FYI

too late.:)

Thomas Hicks, JD

Committee on House Administration

1309 Longworth House Office Building

Washington, DC 20515-6167

202-225-2061 (phone)

202-225-7664 (fax)

---

**From:** jlayson@eac.gov [mailto:jlayson@eac.gov]

**Sent:** Monday, April 16, 2007 3:57 PM

**To:** Hicks, Thomas

**Subject:** FYI

Just wanted to give you a heads up that Donetta requested the IG review circumstances surrounding voter ID and vote fraud & intimidation projects.

Go [here](#) for more info.

Jeannie Layson

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013943

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013944



"Bryan Whitener"  
<bwhitener@eac.gov>

04/16/2007 03:38 PM

Please respond to  
bwhitener@eac.gov

To jlayson@eac.gov

cc

bcc

Subject EAC Requests Review of Voter ID, Vote Fraud & Voter  
Intimidation Research Projects, 04-16-07



U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW – Suite 1100  
Washington, DC 20005

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## For Immediate Release

April 16, 2007

Contact:

Jeannie Layson  
Bryan Whitener  
(202) 566-3100

## **EAC Requests Review of Voter ID, Vote Fraud and Voter Intimidation Research Projects**

WASHINGTON - U.S. Election Assistance Commission (EAC) Chair Donetta Davidson today issued a formal request to the commission's inspector general to conduct a review of the commission's contracting procedures, including a review of two recent projects focusing on voter identification and vote fraud and voter intimidation. The chair's memo to the inspector general is attached ( to view the memo and attachments, click [here](#) ).

"The actions taken by the commission regarding these research projects have been challenged, and the commissioners and I agree that it is appropriate and necessary to ask the inspector general to review this matter," said EAC Chair Davidson.

Chair Davidson has requested that the inspector general specifically review the circumstances surrounding the issuance and management of the voter identification research project and the vote fraud and voter intimidation research project.

EAC is an independent bipartisan commission created by HAVA. It is charged with administering

013045

Jeannie Layson /EAC/GOV

04/16/2007 12:25 PM

To Gracia Hillman/EAC/GOV@EAC

cc: Caroline C. Hunter/EAC/GOV@EAC, Donetta L. Davidson/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E.

bcc

Subject Re: IG Press Release 

The IG's request contains the following information, which is what was in the earlier version of the press release.

This report was the culmination of research conducted by Tova Wang and Job Serebrov, who were tasked with defining the terms vote fraud and voter intimidation and providing recommendations how to conduct extensive research in the future on these topics. The contract stated that the consultants were responsible for "creating a report summarizing the findings of this preliminary research effort and working group deliberations. This report should include any recommendations for future EAC research resulting from this effort."

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www.eac.gov  
Gracia Hillman/EAC/GOV




Gracia Hillman /EAC/GOV

04/16/2007 12:11 PM

To Jeannie Layson/EAC/GOV@EAC, Caroline C. Hunter/EAC/GOV@EAC

cc: Donetta L. Davidson/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC

Subject Re: IG Press Release 

What language did we use in the request to our IG?

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----

**From:** Jeannie Layson

**Sent:** 04/16/2007 12:01 PM EDT

**To:** Caroline Hunter

**Cc:** Donetta Davidson; Gracia Hillman; Juliet Hodgkins; Rosemary Rodriguez; Thomas Wilkey

**Subject:** Re: IG Press Release

013948

payments to states and developing guidance to meet HAVA requirements, implementing election administration improvements, adopting voluntary voting system guidelines, accrediting voting system test laboratories and certifying voting equipment and serving as a national clearinghouse and resource of information regarding election administration. The four EAC commissioners are Donetta Davidson, chair; Rosemary E. Rodríguez, Caroline Hunter and Gracia Hillman.

###

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013947

Sorry bout that... is this sentence acceptable to everyone? It's the last sentence in the fifth paragraph.  
Revised press release is attached.

"EAC staff reviewed the consultants' material, and found inconsistencies in their conclusions and the data they submitted. The material in the final report was motivated by a responsibility, especially as a federal agency, to issue findings only when they are supported by data that can enable EAC to firmly defend its conclusions."

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Caroline C.  
Hunter/EAC/GOV

To Jeannie Layson/EAC/GOV@EAC  
04/16/2007 11:38 AM cc Donetta L. Davidson/EAC/GOV@EAC, ghillman@eac.gov, Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary  
E. Rodriguez/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC  
Subj Re: IG Press Release [Link](#)  
ect

I was referring to the fraud study and why we did not release the contractor's report

Caroline C. Hunter  
Commissioner  
Election Assistance Commission  
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(202) 566-3107  
chunter@eac.gov  
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Jeannie  
Layson/EAC/GOV

To Caroline C. Hunter/EAC/GOV@EAC  
04/16/2007 11:33 AM cc Donetta L. Davidson/EAC/GOV@EAC, ghillman@eac.gov, Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary  
E. Rodriguez/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC  
Subj Re: IG Press Release [Link](#)  
ect

013948

It's in there... first sentence in the fourth paragraph: "Last month, the commission voted unanimously to launch a comprehensive study focused on voter identification laws **after concluding that initial research it received in a report was not sufficient to draw any conclusions.**"

Please let me know if that is sufficient.

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Caroline C.  
Hunter/EAC/GOV

04/16/2007 11:28 AM      To Jeannie Layson/EAC/GOV@EAC  
cc Donetta L. Davidson/EAC/GOV@EAC, ghillman@eac.gov, Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary  
E. Rodriguez/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC  
Subj Re: IG Press Release [Link](#)  
ect

Could we pls add a sentence about why we did not adopt the fraud report - ie- had conclusions that were not supported by the underlying research.

Caroline C. Hunter  
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chunter@eac.gov  
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Jeannie  
Layson/EAC/GOV

013949



04/16/2007 11:13 AM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline C. Hunter/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC

cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC

Subje IG Press Release

ct

Commissioners,


Per the chair's request, I have drafted the following press release to communicate the commission's decision to ask the IG to review our contract procedures. Please let me know if this is okay with all of you. I would like this to go out ASAP, so if you could get back to me with any comments before noon, I would appreciate it. Sorry for the short turnaround, but I think circumstances demand that this get out immediately. Thank you.

After you give me the okay on the press release, I will send everything to staff before releasing it.

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013950

Rosemary E.  
Rodriguez/EAC/GOV  
04/16/2007 12:19 PM


To Jeannie Layson/EAC/GOV  
cc Caroline C. Hunter/EAC/GOV@EAC, Donetta L.  
Davidson/EAC/GOV@EAC, ghillman@eac.gov, Juliet E.  
Hodgkins/EAC/GOV@EAC, Thomas R.  
bcc  
Subject Re: IG Press Release 

Since it's Donetta's statement, I think she should her consent is important. I don't see a need to defend our actions in this release but simply to announce that we have asked the IG to take a look.

Rosemary E. Rodriguez  
Commissioner  
United States Election Assistance Commission  
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Suite 1100  
Washington, D.C. 20005  
Telephone: 202-566-3104  
Facsimile: 202-566-3127  
www.eac.gov  
rrodriguez@eac.gov

Jeannie Layson/EAC/GOV

Jeannie Layson /EAC/GOV  
04/16/2007 12:01 PM

To Caroline C. Hunter/EAC/GOV@EAC  
cc Donetta L. Davidson/EAC/GOV@EAC, ghillman@eac.gov,  
Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E.  
Rodriguez/EAC/GOV@EAC, Thomas R.  
Wilkey/EAC/GOV@EAC  
Subject Re: IG Press Release 

Sorry bout that... is this sentence acceptable to everyone? It's the last sentence in the fifth paragraph.  
Revised press release is attached.

"EAC staff reviewed the consultants' material, and found inconsistencies in their conclusions and the data they submitted. The material in the final report was motivated by a responsibility, especially as a federal agency, to issue findings only when they are supported by data that can enable EAC to firmly defend its conclusions."



EAC IGRequest 04-16-07FINAL.doc Jeannie Layson  
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www.eac.gov  
Caroline C. Hunter/EAC/GOV

013951

Caroline C. Hunter/EAC/GOV

04/16/2007 11:38 AM

To Jeannie Layson/EAC/GOV@EAC

cc Donetta L. Davidson/EAC/GOV@EAC, ghillman@eac.gov,  
Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E.  
Rodriguez/EAC/GOV@EAC, Thomas R.  
Wilkey/EAC/GOV@EAC

Subject Re: IG Press Release [1]

I was referring to the fraud study and why we did not release the contractor's report

Caroline C. Hunter  
Commissioner  
Election Assistance Commission  
1225 New York Avenue, NW  
Suite 1100  
Washington, DC 20005  
(202) 566-3107  
chunter@eac.gov  
www.eac.gov

Jeannie Layson/EAC/GOV

Jeannie Layson /EAC/GOV

04/16/2007 11:33 AM

To Caroline C. Hunter/EAC/GOV@EAC

cc Donetta L. Davidson/EAC/GOV@EAC, ghillman@eac.gov,  
Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E.  
Rodriguez/EAC/GOV@EAC, Thomas R.  
Wilkey/EAC/GOV@EAC

Subject Re: IG Press Release [1]

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Please let me know if that is sufficient.

Jeannie Layson  
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Suite 1100  
Washington, DC 20005  
Phone: 202-566-3100  
www.eac.gov  
Caroline C. Hunter/EAC/GOV


Caroline C. Hunter/EAC/GOV

04/16/2007 11:28 AM

To Jeannie Layson/EAC/GOV@EAC

cc Donetta L. Davidson/EAC/GOV@EAC, ghillman@eac.gov,  
Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E.

013952

Rodriguez/EAC/GOV@EAC, Thomas R.  
Wilkey/EAC/GOV@EAC  
Subject Re: IG Press Release 

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Jeannie Layson/EAC/GOV

Jeannie Layson /EAC/GOV  
04/16/2007 11:13 AM

To Donetta L. Davidson/EAC/GOV, ghilman@eac.gov, Caroline  
C. Hunter/EAC/GOV@EAC, Rosemary E.  
Rodriguez/EAC/GOV@EAC  
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.  
Hodgkins/EAC/GOV@EAC  
Subject IG Press Release

Commissioners,  
Per the chair's request, I have drafted the following press release to communicate the commission's decision to ask the IG to review our contract procedures. Please let me know if this is okay with all of you. I would like this to go out ASAP, so if you could get back to me with any comments before noon, I would appreciate it. Sorry for the short turnaround, but I think circumstances demand that this get out immediately. Thank you.

After you give me the okay on the press release, I will send everything to staff before releasing it.



EAC IGRequest 04-16-07.doc

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013953



U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW – Suite 1100  
Washington, DC 20005

## EAC Requests Review of Voter ID, Vote Fraud and Voter Intimidation Research Projects

For Immediate Release  
April 16, 2007

Contact: Jeannie Layson  
Bryan Whitener  
(202) 566-3100

**WASHINGTON** – U.S. Election Assistance Commission (EAC) Chair Donetta Davidson today issued a formal request to the commission's inspector general to conduct a review of the commission's contracting procedures, including a review of two recent projects focusing on voter identification and vote fraud and voter intimidation. The chair's memo to the inspector general is attached.

"The actions taken by the commission regarding these research projects have been challenged, and the commissioners and I agree that it is appropriate and necessary to ask the inspector general to review this matter," said EAC Chair Davidson.

Chair Davidson has requested that the inspector general specifically review the circumstances surrounding the issuance and management of the voter identification research project and the vote fraud and voter intimidation research project.

Last month, the commission voted unanimously to launch a comprehensive study focused on voter identification laws after concluding that initial research it received in a report was not sufficient to draw any conclusions. The commission declined to adopt the report, but released all of the data to the public. The report and the research, conducted by Rutgers, the State University of New Jersey, through its Eagleton Institute of Politics, are available at [www.eac.gov](http://www.eac.gov).

At a public meeting in December 2006, the commission adopted *Election Crimes: An Initial Review and Recommendations for Further Study*, available at [www.eac.gov](http://www.eac.gov). This report was the culmination of research conducted by Tova Wang and Job Serebrov, who were tasked with defining the terms vote fraud and voter intimidation and providing recommendations how to conduct extensive research in the future on these topics. The contract stated that the consultants were responsible for "creating a report summarizing the findings of this preliminary research effort and working group deliberations. This report should include any recommendations for future EAC research resulting from this effort." EAC staff reviewed the consultants' material, and found inconsistencies in their conclusions and the data they submitted. The material in the final report was motivated by a responsibility, especially as a federal agency, to issue findings only when they are supported by data that can enable EAC to firmly defend its conclusions.

*EAC is an independent bipartisan commission created by HAVA. It is charged with administering payments to states and developing guidance to meet HAVA requirements, implementing election administration improvements, adopting voluntary voting system guidelines, accrediting voting system test laboratories and certifying voting equipment and serving as a national clearinghouse and resource of information regarding election administration. The four EAC commissioners are Donetta Davidson, chair; Rosemary Rodriguez, Caroline Hunter and Gracia Hillman.*

###

Deliberative Process  
Privilege 013954

Caroline C. Hunter/EAC/GOV

04/16/2007 11:38 AM

To Jeannie Layson/EAC/GOV@EAC

cc Donetta L. Davidson/EAC/GOV@EAC, ghillman@eac.gov,  
Juliet E. Hodgkins/EAC/GOV@EAC, Rosemary E.  
Rodriguez/EAC/GOV@EAC, Thomas R.

bcc

Subject Re: IG Press Release

History: This message has been replied to.

I was referring to the fraud study and why we did not release the contractor's report

Caroline C. Hunter  
Commissioner  
Election Assistance Commission  
1225 New York Avenue, NW  
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Jeannie Layson/EAC/GOV

Jeannie Layson /EAC/GOV

04/16/2007 11:33 AM

To Caroline C. Hunter/EAC/GOV@EAC

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Wilkey/EAC/GOV@EAC

Subject Re: IG Press Release

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04/16/2007 11:28 AM

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013955

Wilkey/EAC/GOV@EAC  
Subject Re: IG Press Release 

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Jeannie Layson/EAC/GOV

Jeannie Layson /EAC/GOV

04/16/2007 11:13 AM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline C. Hunter/EAC/GOV@EAC, Rosemary E. Rodriguez/EAC/GOV@EAC  
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC  
Subject IG Press Release

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EAC IGRequest 04-16-07.doc

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013956



U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW – Suite 1100  
Washington, DC 20005

## EAC Requests Review of Voter ID, Vote Fraud and Voter Intimidation Research Projects

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April 16, 2007

Contact: Jeannie Layson  
Bryan Whitener  
(202) 566-3100

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###

013657



Jeannie Layson /EAC/GOV

04/16/2007 11:13 AM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline  
C. Hunter/EAC/GOV@EAC, Rosemary E.  
Rodriguez/EAC/GOV@EAC

cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.  
Hodgkins/EAC/GOV@EAC

bcc

Subject IG Press Release

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EAC IGRequest 04-16-07.doc

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www.eac.gov

013958



U.S. ELECTION ASSISTANCE COMMISSION  
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Washington, DC 20005

## EAC Requests Review of Voter ID, Vote Fraud and Voter Intimidation Research Projects

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April 16, 2007

Contact: Jeannie Layson  
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###

Jeannie Layson /EAC/GOV

04/16/2007 10:18 AM

To Donetta L. Davidson/EAC/GOV, ghillman@eac.gov, Caroline C. Hunter/EAC/GOV@EAC, Rosemary E.

Rodriguez/EAC/GOV@EAC

cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Hodgkins/EAC/GOV@EAC

bcc

Subject Chair Requests Internal Review

Commissioners,

The chair has asked me to provide you with the memo she just submitted to Curtis Crider, requesting a review of our contracting procedures surrounding the voter identification and vote fraud and voter intimidation research projects. She has asked me to write a press release about this decision, which I will send to you shortly. She requests that we incorporate the commission's request into the letter to the advisory boards and to Congresswoman Lofgren. She also requests that we respond to Sen. Feinstein's letter, letting her know that we are working to comply with her request, but we wanted to alert her to the action we've taken.

I am going to circulate this to the staff so everyone will be aware of this action. Please let me know if you have any questions, and I will have a press release for your review shortly. Attached to the press release will be this memo, letters from Members of Congress regarding this issue, and the recent statements from Congressmen Hinchey and Serrano.



IG Review Req. 4-16-07.doc

Jeannie Layson  
U.S. Election Assistance Commission  
1225 New York Ave., NW  
Suite 1100  
Washington, DC 20005  
Phone: 202-566-3100  
www.eac.gov

013960



**April 16, 2007**

**MEMORANDUM**

**To:** EAC Inspector General Curtis Crider  
**Fr:** EAC Chair Donetta Davidson  
**Cc:** Commissioners Rodriguez, Hillman and Hunter, Tom Wilkey, and Julie Hodgkins  
**RE:** EAC requests review of contracting procedures

On Friday, April 13, each of my three colleagues – Rosemary Rodriguez, Gracia Hillman, and Caroline Hunter -- agreed with my recommendation that we issue the following formal request to the Commission's Office of Inspector General to review the circumstances surrounding two recent EAC research projects – vote fraud and voter intimidation and voter identification.

**Background**

The U.S. Election Assistance Commission (EAC) is an independent, bipartisan Commission created by the Help America Vote Act (HAVA) of 2002.

EAC develops guidance to meet HAVA requirements, adopts voluntary voting system guidelines, accredits voting system test laboratories, certifies voting systems and audits the use of HAVA funds. HAVA also directs EAC to maintain the national mail voter registration form developed in accordance with the National Voter Registration Act (NVRA) of 1993.

The Commission serves as a national clearinghouse and resource of information regarding election administration. It is under the Commission's clearinghouse role that research projects are conducted with the goal of providing information that will lead to improvements in election administration, as well as inform the public about how, where and when we vote.

The voter identification research was conducted by Rutgers, the State University of New Jersey, through its Eagleton Institute of Politics ("Contractor"). The contract, awarded in May 2005, required the Contractor to perform a review and legal analysis of state legislation, administrative procedures and court cases, and to perform a literature review on other research and data available on the topic of voter identification requirements. Further, the Contractor was asked to analyze the problems and challenges of voter identification, to hypothesize alternative approaches and to recommend various policies that could be applied to these approaches. Last month, the commission voted

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unanimously not to adopt the report, citing concerns with its methodology, but voted to release all of the data provided by the Contractor.

The vote fraud and voter intimidation research was conducted by Tova Wang and Job Serebrov ("Consultants"). The contracts, awarded in September 2005, issued to these Consultants tasked them with defining the terms vote fraud and voter intimidation and providing recommendations how to conduct extensive research in the future on these topics. The contract stated that the Consultants were responsible for "creating a report summarizing the findings of this preliminary research effort and Working Group deliberations. This report should include any recommendations for future EAC research resulting from this effort."

### **Review Request**

The actions taken by the Commission regarding both the voter identification and the vote fraud and voter intimidation research projects have been challenged. Specifically, Members of Congress, the media, and the public have suggested that political motivations may have been part of the Commission's decision making process regarding these two projects. Also, the Commission has been criticized for the amount of taxpayer dollars that were spent on these two projects, as well as how efficiently these projects were managed.

The Commission takes these allegations very seriously, and we request that you fully review the following issues and provide the Commission and the Congress with a report of your findings as soon as possible. The Commission stands ready to assist you in these efforts and will provide whatever information, including memos, emails and other documents you will need. Cooperating with your review will be the staff's top priority.

1. Current Commission policy regarding awarding and managing research contracts.
2. Issuance and management of the vote fraud and voter intimidation contract.
3. Circumstances surrounding the receipt of information from Consultants regarding the vote fraud and voter intimidation project.
4. Circumstances surrounding staff efforts to write a final report for Commission consideration.
5. Identification of staff members who assisted in the editing and collaboration of the final vote fraud and voter intimidation report for Commission consideration.
6. Staff and/or Commissioner collaboration with political entities or other federal agencies regarding the vote fraud and voter intimidation project.
7. Circumstances surrounding Commission discussion and deliberation of final adoption of *Election Crimes: An Initial Review and Recommendation for Further Study*.
8. Issuance and management of the voter identification contract.
9. Circumstances surrounding the receipt of information from Contractor regarding the voter identification report.
10. Identification of staff members who assisted in the editing, collaboration, and recommendation to the Commission regarding final adoption of the voter identification report.

11. Staff and/or Commissioner collaboration with political entities or other federal agencies regarding the voter identification project.
12. Circumstances surrounding Commission deliberation whether to adopt a final voter identification report.

For your information, I have attached statements and related correspondence from Members of Congress, and a statement issued by the Commission regarding the criticism.

It is our hope that your findings will instruct us how to move forward in a more efficient, effective and transparent manner. The Commission takes its mandates under HAVA very seriously, and this small Commission has an enormous amount of work to conduct, including testing and certifying voting equipment, providing guidance and assistance to election officials, and auditing the proper use of the \$3.1 billion that was distributed under HAVA.

We look forward to your findings so that we may take the actions necessary to improve the way we conceive research projects, manage research contracts, and make decisions regarding the final release of data provided to the Commission from a third party.

Jeannie Layson /EAC/GOV

04/11/2007 10:58 AM

To EAC Personnel

cc

bcc

Subject EAC Statement

Hello everyone,

I'm sure you have read the article in today's NYT about the voter fraud report this agency issued. Today, Congressmen Hinchey and Serrano have issued the following statement. Very shortly, EAC will post and distribute the attached statement to articulate our role and approach to conducting research and the steps we will take to improve our process. Please let me know if you have any questions about this, as I am sure we will all receive phone calls today about this issue. You may also direct people with questions to the statement that will be on the website. I will keep everyone informed as this situation evolves.



2007-11 (4-11-07) Statement on Research & Contracting Policies.pdf

For  
Immediate  
Release

April 11, 2007

## **Hinchey, Serrano Urge Non-Partisanship, Greater Transparency at Election Assistance Commissio**

**Washington, DC** - Today, Congressmen Maurice Hinchey (NY-22) and José E. Serrano (NY-16) urged the Election Assistance Commission (EAC) to act with greater transparency and without partisanship. The comments from the congressmen came as the House Appropriations Subcommittee on Financial Services and General Government released a draft version of an EAC report on voter fraud and intimidation that shows significant changes were made to the findings of outside experts before the final report was released.

"The EAC has an obligation to be forthright with the American people and operate transparently and in a non-partisan manner," said Congressman Hinchey, who requested the draft report from EAC Commissioner Donetta L. Davidson during subcommittee hearing last month. "The draft report was commissioned with taxpayer dollars upon a mandate from Congress so that we could learn more about voter fraud and intimidation. The need for this report is even more clear when we see the way in which the Bush administration is carrying out the electoral process and how this system is sliding towards corruption. In hiding a draft report from the public that is significantly different from the final version, the EAC has created a lot more questions than it has answered while stunting debate on the issue. In order for our democracy to function properly it is essential that our elections are free of any corruption and that includes ensuring that the EAC does not work to benefit one political party over the other. To achieve that goal we must have all the facts and opinions on the table, not just

013964

some of them. The EAC must never limit discussion and debate."

"The EAC is charged with helping to ensure our elections are trustworthy and administered fairly," said Congressman Serrano, who is Chair of the Appropriations Subcommittee that oversees the EAC budget. "I'm concerned if changes were made to the report on voter fraud because of partisan bias rather than impartial analysis. When you read the draft report side-by-side with the final version, it is clear that important conclusions of the experts who wrote the draft report were excluded from the final product. Among the excluded information is an analysis that undermines the notion that voter fraud is rampant."

"I am concerned that the EAC did not publicly release the taxpayer-funded draft report, and I worry that political considerations may have played a role. We cannot have a politicized EAC, or one that yields to outside pressure. Our democracy, and the American people's faith in it, is far more important than any short-term political advantage."

The draft report was written by outside experts under contract with the EAC. The final report was entitled "Election Crimes: An Initial Review and Recommendations for Future Study" and was issued on December 7, 2006.

The EAC is an independent bipartisan commission created by the 2002 Help America Vote Act in order to disburse funds to the states for the purchase of new voting systems, certify voting technologies, develop guidelines and serve as an information resource for election administration.

Jeannie Layson  
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013985





U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW – Suite 1100  
Washington, DC 20005

## **EAC Statement Regarding Research and Contracting Policies**

### ***Commission to Review Internal Procedures***

For Immediate Release  
April 11, 2007

Contact: Jeannie Layson  
Bryan Whitener  
(202) 566-3100

**WASHINGTON** – The Help America Vote Act of 2002 (HAVA) directs the Election Assistance Commission (EAC) to serve as a national clearinghouse and resource by, among other things, conducting studies with the goal of improving the administration of federal elections. To fulfill this mandate, the EAC has entered into contracts with a variety of persons and entities. Reports adopted by the EAC, a bipartisan federal entity, are likely to be cited as authoritative in public discourse. Prior to the EAC's adopting a report submitted by a contractor, the EAC has the responsibility to ensure its accuracy and to verify that conclusions are supported by the underlying research.

The Commission takes input and constructive criticism from Congress and the public very seriously. We will take a hard look at the way we do business. Specifically, we will examine both the manner in which we have awarded contracts and our decision-making process regarding the release of research and reports. The EAC takes its mandates very seriously, and we will continue to move forward in a bipartisan way to improve the way America votes.

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###

013886

Jeannie Layson /EAC/GOV

04/11/2007 10:26 AM

To StricklerL@cbsnews.com

cc

bcc

Subject your questions

Laura,

The fraud and intimidation research contract was for \$147,106, and the voter ID and provisional voting research contract was \$560,002. Voter ID was only part of the contract. It also tasked Eagleton to provide information about provisional voting practices. In Oct. 2006, the Commission issued provisional voting best practices.

Please let me know if you need anything else, and I'll send you the statement as soon as it's ready to go.

Jeannie Layson  
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013967

Rosemary E.  
Rodriguez/EAC/GOV  
03/30/2007 03:23 PM

To jlayson@eac.gov  
cc  
bcc  
Subject Fw: Fraud Report

Rosemary E. Rodriguez  
Commissioner  
United States Election Assistance Commission  
1225 New York Avenue, N.W.  
Suite 1100  
Washington, D.C. 20005  
Telephone: 202-566-3104  
Facsimile: 202-566-3127  
www.eac.gov  
rrodriguez@eac.gov

----- Forwarded by Rosemary E. Rodriguez/EAC/GOV on 03/30/2007 03:21 PM -----

Rosemary E. Rodriguez/EAC/GOV

03/30/2007 03:20 PM

To DDavidson@useac.gov, GHillman@useac.gov, CHunter@useac.gov  
cc TWilkey@useac.gov  
Subject Fraud Report

I would very much like to explore the possibility of reconsidering the decision to release the Fraud Report.  
How can I get this on our agenda?

Rosemary E. Rodriguez  
Commissioner  
United States Election Assistance Commission  
1225 New York Avenue, N.W.  
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013968

**FOR IMMEDIATE RELEASE**

**CONTACT:** Drew Courtney or Josh Glasstetter

October 20, 2006

at 202-467-4999 / [media@pfaw.org](mailto:media@pfaw.org)

## **PFAW Presses Election Assistance Commission to Release Report Debunking Myth of Voter "Fraud"**

Despite requests, the Election Assistance Commission is refusing to release a report written months ago that reportedly pokes holes in the widespread myth that voter fraud is rampant in America. EAC Chairman Paul S. DeGregorio Thursday denied a request by People For the American Way Foundation (PFAWF) to make the taxpayer-funded findings available to the public in time for the November elections, now less than three weeks away. PFAWF President Ralph G. Neas said the information should be released immediately and questions whether the report is being suppressed for political reasons.

The existence of the report was revealed days ago by *USA Today*, which reported that instances in which non-eligible persons attempt to pass themselves off as voters and somehow cast fraudulent votes are exceedingly rare. PFAWF's sister advocacy organization, People For the American Way, has launched a petition drive asking the commissioners to release the report, since it will refute rampant allegations of voter fraud which have led to restrictive voting requirements.

"As we approach the elections, the last thing election officials need is to labor under the false impression that ineligible people are trying to pass themselves off as qualified voters at the polls. They should be focusing on ways to keep the path to the ballot box clear for as many eligible voters as possible, instead of looking for nonexistent fraud that will slow down the process and possibly even discourage eligible voters," said PFAW President Ralph G. Neas. "We need to raise confidence in our elections process, not allow harmful myths to stand – especially when the government has findings available to refute them."

Neas sent a letter on behalf of PFAW Foundation to the EAC earlier this week asking that the report be made available to the public, but on Thursday the EAC denied the request. The report was written by Tova Wang, an elections scholar at the Century Foundation think tank, and Job Serebrov, an Arkansas attorney, and has been in the hands of the EAC commissioners for more

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than four months.

Neas said the report has critical implications for election legislation around the country. During the past few years, a number of states have passed legislation to combat supposed "voter fraud" through overly restrictive identification requirements and other impediments to the ballot box. According to USA Today, the report found such voter fraud to be exceedingly rare.

"We have plenty of problems to deal with. We've all seen long lines, unreliable voting equipment, purges that wrongly remove eligible voters from the roll. It turns out the problem is not that bad people are trying to vote, but that too many qualified voters are discouraged from voting. This report apparently confirms what common sense has told us for years – we need to make it easier for eligible voters to cast a vote that counts, not harder," said Neas. "Instead of fighting nonexistent fraud, these restrictive new laws will discourage voters – people like senior citizens, students and disabled voters who may not have drivers' licenses or other forms of ID required by these new laws. That's just wrong, and is clearly not supported by the evidence."

Neas said the new laws are often politically motivated. The misleadingly-named right-wing group the American Center for Voting Rights has supported extremely restrictive laws by pointing to supposed voting fraud.

"Any law that disadvantages certain groups of voters – like senior citizens and students – should be suspect. If the voters are disadvantaged, which political parties and candidates stand to gain? The same question should be asked about the reason the release of this report has been delayed. Is there a political motivation?" he asked. "Has this study been buried because anti-voter activists like the American Center for Voting Rights find its conclusions inconvenient? That's unacceptable. The Commissioners of the EAC have had this report for months, even as they have testified before Congress on critical legislation that could have been informed by the report's findings. It's unconscionable."

Laws passed in several states this year raise barriers to the ballot box that would prevent poor, elderly, and minority voters from casting a ballot. PFAW's sister organization, People For the American Way Foundation, has challenged laws in Ohio, Missouri, and Arizona; in all three, the laws were either struck down or stayed until after the November election. Yet restrictions still in effect in a number of states could harm voters. One such provision, stringent ID requirement, has been likened to a modern day poll tax.

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Said Neas, "All American citizens have a vested interest in having fair and open elections. This report contains valuable information that can help us do that. The EAC should release the report immediately, no matter what the political implications may be and hold public hearings to discuss the findings."

PFAW's petition can be found at [www.ReleaseTheReport.com](http://www.ReleaseTheReport.com).

**Laura Strickler, Producer**  
*CBS Evening News, Washington*  
Office: 202-457-1597  
Blackberry: 646-460-6175  
Fax: 202-457-1577  
Cell : 917-499-6459  
[stricklerl@cbsnews.com](mailto:stricklerl@cbsnews.com)

013571

Thomas R. Wilkey/EAC/GOV  
10/30/2006 10:04 AM

To Jeannie Layson/EAC/GOV@EAC  
cc ggilmour@eac.gov, jthompson@eac.gov  
bcc  
Subject Re: Fw: response 

On the money as far as I am concerned

Thomas R. Wilkey  
Executive Director  
US Election Assistance Commission  
1225 New York Ave, NW - Suite 1100  
Washington, DC 20005  
(202) 566-3109 phone  
TWilkey@eac.gov  
Jeannie Layson/EAC/GOV

Jeannie Layson /EAC/GOV  
10/30/2006 09:03 AM

To ggilmour@eac.gov, jthompson@eac.gov, twilkey@eac.gov  
cc  
Subject Fw: response

Need you to let me know if this response is okay ASAP:

EAC staff presented a status report about this research project to our advisory boards at a public meeting in May. Since then, we've received a draft from the consultants and EAC staff is currently reviewing the data to ensure it is accurate and complete. After we've completed this process, we'll release a final report.

Jeannie Layson  
U.S. Election Assistance Commission  
1225 New York Ave., NW  
Suite 1100  
Washington, DC 20005  
Phone: 202-566-3100  
www.eac.gov

----- Forwarded by Jeannie Layson/EAC/GOV on 10/30/2006 08:59 AM -----

"Strickler, Laura" <StricklerL@cbsnews.com>

10/27/2006 05:34 PM

To jlayson@eac.gov  
cc

013972

Hey Jeannie - thanks for all of your help yesterday -

got any response/thoughts on this?

Thanks

**FOR IMMEDIATE RELEASE**

**CONTACT:** Drew Courtney or Josh Glasstetter

October 20, 2006

at 202-467-4999 / [media@pfaw.org](mailto:media@pfaw.org)

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impression that ineligible people are trying to pass themselves off as qualified voters at the polls. They should be focusing on ways to keep the path to the ballot box clear for as many eligible voters as possible, instead of looking for nonexistent fraud that will slow down the process and possibly even discourage eligible voters,” said PFAW President Ralph G. Neas. “We need to raise confidence in our elections process, not allow harmful myths to stand – especially when the government has findings available to refute them.”

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013975

Bryan Whitener /EAC/GOV  
10/25/2006 04:30 PM

To Jeannie Layson/EAC/GOV@EAC, Thomas R.  
Wilkey/EAC/GOV@EAC  
cc  
bcc  
Subject EAC response requested

—— Forwarded by Bryan Whitener/EAC/GOV on 10/25/2006 04:25 PM ——



"Jonathan Bechtle "  
<JBechtle@effwa.org>  
10/25/2006 04:14 PM

To "Bryan Whitener" <bwhitener@eac.gov>  
cc  
Subject FW: Shame on hiding report finding low voter fraud

Bryan,

This article slamming the EAC ran in a major Washington newspaper on Tuesday (the link is <http://www.spokesmanreview.com/opinion/story.asp?ID=156039>, and the text is included below). All I've heard about the report is what USA Today mentioned, plus Tom Wilkey told me that the report is currently being worked on for a near-future release.

I'm planning to respond to this article on the issue of whether voter fraud is widespread, and wanted to also defend the EAC's actions, which I think were wise. It sounds like the news editors just conjectured what happened, as they indicated no attempt to find out for sure why the report was withheld.

In responding to them, it would be nice to have your side of the story to help me accurately explain what happened. Can you give me any comments on why the report was held? Was it because the EAC was trying to help those who are "peddling suspicions of voter fraud"?

Any thoughts you have would be helpful.

Cordially,

Jonathan

**Jonathan Bechtle, J.D.**  
Director, Voter Integrity Project  
**Evergreen Freedom Foundation**  
(360) 956-3482  
[www.effwa.org](http://www.effwa.org)

*"...because freedom matters!"*

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**SPOKESMANREVIEW.COM**

Tuesday, C

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Editorial

## **Our view: Fraudulent fears**

**Shame on hiding report finding low voter fraud**

October 24, 2006

Proponents of stringent election laws designed to stop fraud surely don't want to hear that there's little evidence of chicanery. That's probably why the results of a federal study on the matter, which was delivered in May, were kept quiet.

Many states have adopted restrictions on voter registration and polling place practices, and the U.S. House of Representatives passed a photo-identification bill aimed at poll-site voting. The Senate is expected to take up the issue next year.

The premise behind all of this legislation is that fraud is widespread. But the U.S. Election Assistance Commission, which was established by Congress to ensure voting integrity, commissioned a study that questions that assumption. USA Today obtained the study four months after its completion and recently reported on the findings:

"There is widespread but not unanimous agreement that there is little polling-place fraud, or at least much less than is claimed, including voter impersonation, 'dead' voters, non-citizen voting and felon voters."

That's an awfully inconvenient summation for those who back stricter voting laws and consistently assert that there's rampant fraud while providing scant proof.

Voter fraud is a highly politicized issue. The congressional bill on photo IDs drew the support of 98 percent of Republicans and the opposition of 98 percent of Democrats. And voters in Washington state lived through the partisan wrangling after the razor-thin victory by Chris Gregoire in the 2004 gubernatorial election, when mistakes were quickly relabeled "fraud."

When a favorite candidate loses a close race, partisans attack the system of voting. It happened in Florida in 2000 and in Washington state in 2004. What's interesting about the federal commission's study is that it points to the system that most reforms would not touch as having the highest potential for fraud.

Absentee balloting is more susceptible to manipulation, the report states, via coercion and forgery. But it's polling places that have been placed under heavy scrutiny by reformers.

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The lack of focus on mail-in balloting is probably a political calculation, because it's popular. Most counties in Washington state have moved to that system.

Politicians can get more mileage hyping the possibility of votes by illegal immigrants and felons, but their solutions can serve to discourage voting by honest citizens.

Unfortunately, the federal commission has played into the hands of those peddling suspicions by choosing not to release its report to the public.

The public deserves to know what is happening with its election systems as it weighs the merit of various reform proposals. But a commission that was formed to zero in on real problems has undermined its credibility by sitting on a report that highlights them.

Jeannie Layson /EAC/GOV

10/23/2006 11:49 AM

To twilkey@eac.gov

cc bwhitener@eac.gov, jwilson@eac.gov

bcc

Subject Fw: EAC Commissioned Report on Voter Fraud

tom,

who should get these emails? There's a petition out there, asking us to release the fraud report, so someone needs to be the point person on these.

— Forwarded by Jeannie Layson/EAC/GOV on 10/23/2006 11:47 AM —

Joyce Wilson /EAC/GOV

10/23/2006 11:47 AM

To Jeannie Layson/EAC/GOV@EAC

cc

Subject Fw: EAC Commissioned Report on Voter Fraud

Jeannie, Please respond, if appropriate or forward to proper person. If not you, please let me know the person that would handle responding to such inquiries. Thanks!

Joyce H. Wilson  
Staff Assistant  
US Election Assistance Commission  
202-566-3100 (office)  
202-566-3128 (fax)

— Forwarded by Joyce Wilson/EAC/GOV on 10/23/2006 11:44 AM —

"Mike Marsolek"

10/20/2006 04:58 PM

To HAVAINfo@eac.gov

cc

Subject EAC Commissioned Report on Voter Fraud

Honorable EAC Commissioners,


I ask you to release the EAC commissioned report on voting fraud. Regardless of political persuasion, voting is the bedrock upon which our representative democracy is built. Because of this your responsibilities are great. Currently there has been a rush of litigation intended to protect against voter fraud. There are real concerns that these protections will decrease voter turnout, and likely decrease turnout disproportionately in minority groups. This will obviously affect the parties differently, thereby creating a tense environment and adding to the strife in our society today. It is important, you can not disagree, that any laws regulating voting practices are only created and passed with honorable intentions, since if the voting process itself is compromised the whole of our representative democracy is as well.

I respect you are in difficult circumstances, but it is better for the country to know the results of

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an objective report than to be litigated under subjective pretenses and in a disenfranchising manner. All people in this country who are citizens deserve to vote, and this report can help ensure that they continue to have that right free of trappings whose intentions are not true. Thank you for your work and time.

Sincerely,  
Dr. Michael D. Marsolek



013980



"Judith Schaeffer"  
<jschaeffer@pfaw.org>  
10/19/2006 10:48 AM

To bwhitener@eac.gov  
cc jlayson@eac.gov  
bcc  
Subject Report re voter fraud

Dear Mr. Whitener:

Thank you for taking the time to speak with me this morning. As you know, I was calling to request a copy of the complete report regarding voter fraud written by Tova Wang and Job Serebov. I am sending this in accordance with your request that I email our request for a copy of that report to you and that I "cc" Ms. Layson on the email.

I'd very much appreciate obtaining a copy of this report today. In the event that you can send it electronically or fax it, my contact information is below. If not, please let me know when and where I may pick it up

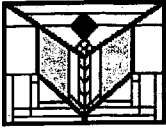
Thank you for your assistance.

Sincerely,

Judith E. Schaeffer  
Deputy Legal Director  
People For the American Way Foundation  
jschaeffer@pfaw.org  
202-467-2381 (ph.)  
202-293-2672 (fax)

013981





Adam Ambrogi/EAC/GOV  
04/25/2006 03:40 PM

To Juliet E. Thompson-Hodgkins/EAC/GOV@EAC  
cc  
bcc  
Subject Agenda



AGENDA (Standards Board) 2006.doc  
this should've been sent by amie early today.

-----  
Adam D. Ambrogi  
Special Assistant to Commissioner Ray Martinez III  
U.S. Election Assistance Commission  
1225 New York Ave. NW - Suite 1100  
Washington, DC 20005  
202-566-3105

013932



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## MEMORANDUM

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**TO:** MEMBERS OF EAC STANDARDS BOARD  
**FROM:** PEGGY NIGHSWONGER, CHAIR, EXECUTIVE BOARD  
RAY MARTINEZ, EAC COMMISSIONER  
**DATE:** APRIL 28, 2006  
**SUBJECT:** UPCOMING MEETING OF STANDARDS BOARD, MAY 23-24, 2006

The next meeting of the EAC Standards Board (to be held jointly with the EAC Board of Advisors) will be held in Washington, D.C. on Tuesday, May 23 and Wednesday, May 24, 2006 at the Hamilton Crown Plaza hotel. We hope you will be able to attend this important meeting, which will focus on consideration and discussion of a number of ongoing election administration research projects currently underway by the EAC. Additionally, there will also be an update and discussion regarding recent work conducted by the National Institute of Standards and Technology (NIST) on the voluntary voting system guidelines. (Please see the draft agenda attached for additional information.)

As was the case with our previous meetings of the EAC Standards Board, the EAC will pay the cost of travel, hotel and a Federal per diem for any member of the Standards Board wishing to attend the May 2006 meeting. Upon receipt of this memorandum, please contact the EAC's travel agent, Adventure Travel, at (877) 472-6718 to make your travel arrangements. Additionally, if you have any questions or need assistance in making your travel plans, please call \_\_\_\_\_ (email address is \_\_\_\_\_).

Thank you in advance for your willingness to join us in Washington, D.C. We look forward to seeing you soon.

013982

**U.S. ELECTION ASSISTANCE COMMISSION**  
**Standards Board Meeting Agenda**  
**Washington, D.C.**  
**May 23 – 24, 2006**

**Tuesday, May 23, 2006**

**NOON – 1:15 P.M. LUNCHEON**

**Brief Welcoming Remarks**  
Commissioner Ray Martinez III

**EAC Staff Presentations:**

*Design for Democracy* (improvements to ballot design, national voter registration mail-in form and polling place signage) (Karen Lynn-Dyson);

*Legal On-Line Information Clearinghouse* (Julie Thompson-Hodgkins);

*Public Access Portals* (Edgard Cortes);

*Katrina Voting Assistance Relief* (Edgardo Cortes).

**1:15 – 1:30 P.M. BREAK**

**1:30 – 2:30 P.M. STANDARDS BOARD PLENARY SESSION**  
Session Chaired by Peggy Nighswonger  
Chair, Executive Board

- Appointment of Parliamentarian
- Adoption of Agenda
- Review of Meeting Book Materials
- Presentation of Proposed Permanent Bylaws  
Kevin Kennedy, Executive Director, State Elections Board, Wisconsin  
Joanne Armbruster, Atlantic County Superintendent of Elections, New Jersey
- Election of Executive Board Vacancy

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**2:30 – 4:00 P.M.**

**DISCUSSION: DRAFT REPORT ON PROVISIONAL VOTING**

Presentors:

Thomas O'Neil: Project Manager, EAC Provisional Vote Study  
Edward Foley: Director, Election Law@Moritz (The Ohio State University)

EAC Resource Person: Julie Thompson-Hodgkins

**4:00 – 4:15 P.M.**

**BREAK**

**4:15 – 5:30 P.M.**

**DISCUSSION: DRAFT REPORT ON POLL WORKER RECRUITMENT, TRAINING AND RETENTION (INCLUDING COLLEGE POLL WORKERS)**

Presentors:

Jennifer Collins-Foley, EAC Consultant  
Dora Rose, Center for Election Integrity, Cleveland State University

EAC Resource Person: Karen Lynn-Dyson

**NOTE: Attendees on their own for dinner.**

**Wednesday, May 24, 2006**

**8:00 – 8:30 A.M.**

**CONTINENTAL BREAKFAST**

**8:30 – 9:15 A.M.**

**BRIEFING: PROPOSED MANAGEMENT GUIDELINES**

Presentors:

Connie Schmidt, EAC Consultant  
Brit Williams, EAC Consultant  
EAC Resource Person: Brian Hancock

**9:15 – 10:00 A.M.**

**BRIEFING: DRAFT REPORT ON VOTE COUNT/RECOUNT**

Presentors:

Dr. Thad Hall, Assistant Professor of Political Science, University of Utah

Doug Chapin, EAC Consultant

EAC Resource Person: Julie Thompson-Hodgkins, EAC

**10:00 – 10:15 A.M.**

**BREAK**

**10:30 – 11:00 A.M.**

**DISCUSSION: DRAFT REPORT ON IMPROVING DATA COLLECTION**

Presentors:

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